

WSR 23-11-003
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH

[Filed May 3, 2023, 3:38 p.m.]

Subject of Possible Rule Making: The department of health (department) is considering amendments to chapter 246-296 WAC, Drinking water state revolving fund (DWSRF) loan program, to implement the requirements of the federal Bipartisan Infrastructure Law (BIL). The department has adopted two emergency rules, WSR 23-05-069, February 13, 2023, and WSR 23-06-064, February 28, 2023, to implement requirements under BIL for the current loan cycle. The department is considering permanent rule amendments to conform to BIL requirements by: revising the definition of disadvantaged community; amending loan terms to allow for partial or full loan forgiveness; removing the requirement for a current water system plan or small water system management program for lead service line identification and replacement, and for remediating emerging contaminants; and making amendments to the project priority rating and ranking criteria.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70A.125.160, federal Safe Drinking Water Act.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The rule making may be necessary to allow additional disadvantaged and nondisadvantaged communities to qualify for up to full principal forgiveness of a DWSRF loan in conformance with the requirements under BIL. The intent of the rule making is to protect public health by broadening the types of infrastructure improvements that would qualify for DWSRF loans, in addition to traditional funding uses such as replacing aging infrastructure, installing treatment to remove regulated contaminants, restructuring failing water systems, and responding to public health emergency events.

The department will take into consideration other federal regulations, such as 40 C.F.R. Part 35 Subpart L and BIL P.L. 117-58 - Bipartisan Infrastructure Investment and Jobs Act.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The federal Safe Drinking Water Act authorizes the United States Environmental Protection Agency to award capitalization grants to states, which in turn can provide low-cost loans and assistance to eligible public water systems.

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 Nina Helpling, P.O. Box 47820, Olympia, WA 98504-7820, phone 360-236-3065, TTY 360-833-6388 or 711, email drinkingwaterrule@doh.wa.gov or nina.helpling@doh.wa.gov, website www.doh.wa.gov; or Mike Means, P.O. Box 47820, Olympia, WA 98504-7820, phone 360-236-3178, TTY 360-833-6388 or 711, email mike.means@doh.wa.gov, website www.doh.wa.gov.

Additional comments: The department will notify stakeholders and interested parties via email notices, website postings, and other forms of communication typically used within the industry of stakeholder meetings, proposed changes, the public hearing, and open public comment periods. To be added to the interested parties list, go to <https://public.govdelivery.com/accounts/WADOH/subscriber/topics> and click on "drinking water rules."

May 2, 2023

Kristin Peterson, JD
Chief of Policy
for Umair A. Shah, MD, MPH
Secretary

WSR 23-11-011
PREPROPOSAL STATEMENT OF INQUIRY
BOARD OF REGISTRATION
FOR PROFESSIONAL ENGINEERS
AND LAND SURVEYORS

[Filed May 5, 2023, 6:43 a.m.]

Subject of Possible Rule Making: Chapter 196-09 WAC, Board practices and procedures. The board of registration for professional engineers and land surveyors (board) is considering amendments to the complaint processing approach.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To provide language regarding the process for reconsideration of complaint or investigation closure by the complainant.

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

Process for Developing New Rule: Notice will be made to stakeholders and active licensees via the board's constant contact lists and will be posted on our website and distributed through the board and board staff. Interested parties may contact the individual listed below, and the public may also participate by commenting after amendments are proposed by providing written comments or giving oral testimony during the public hearing process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Shanan Gillespie, P.O. Box 9025, Olympia, WA 98507-9025, phone 360-664-1570, TTY 711, email shanan.gillespie@brpels.wa.gov, website <https://brpels.wa.gov/about-us/laws-and-rules/rulemaking-activity>.

May 5, 2023
Ken Fuller
Director

WSR 23-11-018

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF CORRECTIONS

[Filed May 5, 2023, 3:32 p.m.]

Subject of Possible Rule Making: Chapter 137-78 WAC.

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

Reasons Why Rules on this Subject may be Needed and What They
Might Accomplish: Changes to the definition of assault. To bring
clarity to the issue of instances where a staff injury may result from
an incarcerated individual resisting during a use of force but would
not be intentional and therefore not meet the new definition of as-
sault.

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 Todd Dowler, Assistant Secretary, Department of Correc-
tions, Employee and Business Support Services, P.O. Box 41106, Tumwa-
ter, WA 98501, phone 360-338-5438, email Todd.Dowler@doc1.wa.gov; or
Vadim Chebotar, Senior Contracts Attorney, Department of Corrections,
Contracts and Legal Affairs, P.O. Box 41114, Tumwater, WA 98504, phone
253-261-1465, email Vadim.Chebotar@doc.wa.gov, website www.doc.wa.gov.

May 3, 2023
Cheryl Strange
Secretary

WSR 23-11-030

PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF TRANSPORTATION

[Filed May 10, 2023, 1:39 p.m.]

Subject of Possible Rule Making: Nonhighway use of airspace on state highways; consideration for occupancy by a regional transit authority.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 47.01.101(5) and 47.12.120 are statutes that allow the Washington state department of transportation (WSDOT) to adjust WAC 468-30-110.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule will bring Washington state into line with several other states that lease property to regional transit agencies for the operation of light rail; exempt WSDOT from having to recoup the federal share of roadway property acquisition costs through its leases; make Sound Transit's system expansion program more financially feasible; and bring about a multimodal transportation system for Washington state residents.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Federal Highway Administration approves the processes WSDOT uses for leasing property to Sound Transit through the WSDOT ROW Manual. Sound Transit signs the leases; they are partners in an agreement that will address the lease rates and also determine the appropriate federal share to discount.

Process for Developing New Rule: A rule that reflects an agreement being developed between WSDOT and Sound Transit.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kevin Workman, 7345 Linderson Way S.W., Tumwater, WA 98501, phone 360-705-7324, email workmaj@wsdot.wa.gov [workman@wsdot.wa.gov].

May 8, 2023

Kevin Workman

Director of Real Estate

WSR 23-11-033
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
CHILDREN, YOUTH, AND FAMILIES

[Filed May 10, 2023, 4:58 p.m.]

Subject of Possible Rule Making: The department of children, youth, and families (DCYF) is updating administrative rules governing the transfer of individuals to the department of corrections, chapter 110-745 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 13.40.280.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The current rules need updated terminology to implement more precise language.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: DCYF will coordinate proposed updates to chapter 110-745 WAC with the Washington state department of corrections (DOC) and office of attorney general (OAG) by submitting copies of proposed rules to the appropriate divisions for review and feedback prior to scheduling a public hearing.

Process for Developing New Rule: Collaborative drafting between DCYF, OAG, and DOC.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Andrea Ruiz, phone 360-764-0221, email andrea.ruiz@dcyf.wa.gov, website <https://www.dcyf.wa.gov/practice/policy-laws-rules/rule-making>.

May 10, 2023
Brenda Villarreal
Rules Coordinator

WSR 23-11-049
PREPROPOSAL STATEMENT OF INQUIRY
BOARD OF REGISTRATION
FOR PROFESSIONAL ENGINEERS
AND LAND SURVEYORS

[Filed May 11, 2023, 3:38 p.m.]

Subject of Possible Rule Making: Chapter 196-33 WAC, Rules of professional practice for licensees designing on-site wastewater treatment systems.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To amend language regarding the use of the stamp/seal by an on-site designer, and to amend the section regarding direct supervision, so it is easier for the licensees to understand.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Shanan Gillespie, P.O. Box 9025, Olympia, WA 98507-9025, phone 360-664-1570, TTY 711, email shanan.gillespie@brpels.wa.gov, website <https://brpels.wa.gov/about-us/laws-and-rules/rulemaking-activity>.

May 11, 2023
Ken Fuller
Director

WSR 23-11-052
PREPROPOSAL STATEMENT OF INQUIRY
STATE BOARD OF EDUCATION

[Filed May 12, 2023, 10:46 a.m.]

Subject of Possible Rule Making: The state board of education is reviewing chapter 180-51 WAC, High school graduation requirements, to implement recently passed legislation, correct references to law, and improve readability of the rule. Specific legislation passed in 2023 that requires rule making concerns graduation pathways (HB 1308) and the high school and beyond planning (E2SSB 5243).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.230.090; E2SSB 5243, Section 3; HB 1308, Section 2.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rules will clarify existing graduation pathways, including dual credit courses that meet the graduation pathway requirement, as well as implement a new graduation pathway option; rules will also clarify requirements and implement new requirements for the high school and beyond plan.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Office of the superintendent of public instruction.

Process for Developing New Rule: The state board of education will seek feedback on the rule making from partner agencies and educational advocacy organizations.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jacki Verd, 600 Washington Street S.E., Olympia, WA 98504, phone 360-725-6025, fax 360-753-6712, email rulescoordinatorSBE@k12.wa.us, website www.sbe.wa.gov; or Linda Drake, 600 Washington Street S.E., Olympia, WA 98504, phone 360-725-6025, fax 360-753-6712.

May 10, 2023
Randy Spaulding
Executive Director

WSR 23-11-065

PREPROPOSAL STATEMENT OF INQUIRY

BOARD OF ACCOUNTANCY

[Filed May 15, 2023, 11:22 a.m.]

Subject of Possible Rule Making: WAC 4-30-062 Applying to take the CPA examination.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The intent of this rule change is to extend the time period (testing window) in which all sections of the CPA examination must be passed.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kirsten Donovan, Rules Coordinator, Washington State Board of Accountancy, P.O. Box 9131, Olympia, WA 98507-9131, phone 360-664-9191, fax 360-664-9190, TTY 1-800-833-6388, email Kirsten.donovan@acb.wa.gov, website <https://acb.wa.gov/>.

May 15, 2023

Michael J. Paquette, CPA
Executive Director

WSR 23-11-067

**PREPROPOSAL STATEMENT OF INQUIRY
EMPLOYMENT SECURITY DEPARTMENT**

[Filed May 15, 2023, 12:12 p.m.]

Subject of Possible Rule Making: The employment security department (department) is engaging in rule making to amend current rules in accordance with the department's 2022 report on transportation network companies and to integrate transportation network companies and their drivers into the unemployment insurance system as set forth in SHB 1570 (2023). This rule making will cover unemployment insurance only and will not cover paid family and medical leave.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 50.12.070, 50.20.010, 50.20.050, 50.20.240; and SHB 1570, which adds new sections to chapter 50.04 RCW and RCW 50.29.021.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule making will amend the department's rules to better represent the circumstances and practices of transportation network companies and their drivers and to include transportation network companies and drivers in the unemployment insurance system.

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

Process for Developing New Rule: [No information supplied by agency].

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Josh Dye, P.O. Box 9046, phone 360-890-3472, fax 844-652-7096, TTY relay 711, email Rules@esd.wa.gov, website <https://esd.wa.gov/newsroom/rulemaking/>.

May 15, 2023

Dan Zeitlin

Employment Security Policy Director

WSR 23-11-070
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
NATURAL RESOURCES

[Filed May 16, 2023, 2:31 p.m.]

Subject of Possible Rule Making: Amending WAC 332-120-060 and 332-120-070 to revise the project completion and perpetuation process. Providing an improved method of recordkeeping and documentation of land survey monument perpetuations.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 58.24.030(2) and 58.24.040(8).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The current WAC 332-120-060 project completion process needs clarification of how a permanent public record of a land survey monument is created. The availability and access to the public record of land survey monument perpetuations will be spelled out in the revised WAC.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Coordination on compliance will be with the board of registration for professional engineers and land surveyors (BRPELS) and the county road administration board.

Process for Developing New Rule: Full rule-making process. Drafted in conjunction with stakeholders, including BRPELS.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Patrick J. Beehler, PLS, CFedS, 1111 Washington Street S.E., Olympia, WA 98504-7030, phone 360-902-1181, fax 306-902-1778, email pat.beehler@dnr.wa.gov, website <https://www.dnr.wa.gov/>; or David Icenhower, PLS, CFedS, 801 88th Avenue S.E., Tumwater, WA 98504-7019, phone 360-902-1197, fax 360-902-1191, email David.Icenhower@dnr.wa.gov, website <https://www.dnr.wa.gov/public-land-survey-office>.

May 11, 2023
Todd Walker
Deputy Supervisor, State Uplands

WSR 23-11-075
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Aging and Long-Term Support Administration)
[Filed May 17, 2023, 9:19 a.m.]

Subject of Possible Rule Making: WAC 388-71-0876 When must a long-term care worker who was working or hired during the COVID-19 public health emergency complete training, including required specialty training?, 388-71-0992 When must continuing education be completed when public health emergency waivers are lifted, and what continuing education credit is granted to long-term care workers employed during the pandemic?, 388-112A-0081 When must long-term care workers who were working or hired during the COVID-19 public health emergency complete training, including specialty training? and 388-112A-0613 When must continuing education be completed when public health emergency waivers are lifted, and what continuing education credit is granted to long-term care workers employed during the pandemic? These rules will be finalizing training, certification, and continuing education pandemic extensions and setting a date for repeal of those sections. The department of social and health services (DSHS) is considering amending these rules and other related rules as appropriate to make them permanent.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090, 74.09.520, 74.39A.074, and 74.39A.341.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Availability of training and certification for long-term care workers continues to require extension to deadlines due to the COVID-19 pandemic. The extensions are critical for ensuring the ability of long-term care workers to access training, certification, and continuing education. DSHS intends to put current emergency rule deadlines into permanent rule to cover those long-term care workers still affected by training and certification backlogs, and to clarify a final repeal date for all COVID[-19] training rules when no longer required as directed by statute.

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. 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 Dave Chappell, Program Manager, Quality Assurance and Policy Training Oversight and Policy Team, P.O. Box 45600, Olympia, WA 98504-5600, phone 360-725-2393, fax 360-438-8633, email david.chappell@dshs.wa.gov.

May 17, 2023
Katherine I. Vasquez
Rules Coordinator

WSR 23-11-079

PREPROPOSAL STATEMENT OF INQUIRY

HEALTH CARE AUTHORITY

[Filed May 17, 2023, 10:01 a.m.]

Subject of Possible Rule Making: Chapter 182-135 WAC, Recovery residence revolving loan; 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) plans to amend this chapter to include rules regarding eligible providers and recovery residence referrals. 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: None.

Process for Developing New Rule: HCA 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, HCA will send a notice of proposed rule making (CR-102) to everyone receiving this notice and anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Melinda Froud, Rule-Making Questions, P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-1408, fax 360-586-9727, telecommunication[s] relay service (TRS) 711, email melinda.froud@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking; or Maureen Bailey, Program Questions, P.O. Box 42730, Olympia, WA 98504-2730, phone 360-725-0487, fax 360-586-9727, TRS 711, email Maureen.bailey@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking.

May 17, 2023
Wendy Barcus
Rules Coordinator

WSR 23-11-081

**PREPROPOSAL STATEMENT OF INQUIRY
EMPLOYMENT SECURITY DEPARTMENT**

[Filed May 17, 2023, 11:18 a.m.]

Subject of Possible Rule Making: The employment security department (department), leave and care division, is considering rules to implement SHB 1570 (chapter 451, Laws of 2023), which passed and was signed into law during the 2023 legislative session. Among other things, the bill creates a pilot program for transportation network company drivers to access paid family and medical leave (PFML) benefits under Title 50A RCW. Section 4(9) of the bill gives explicit authority for the department to adopt rules to implement the pilot program.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 50A.05.060; chapter 451, Laws of 2023.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department recognizes the need for clear and usable guidance for ongoing programmatic operations. The department is considering new or amended rules to implement recently passed legislation. Topics may include details regarding how the pilot program created by the bill will be implemented and administered.

The department may also consider providing additional guidance as needed.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No federal agencies and no other state agencies regulate the PFML program as authority is granted solely to the department.

Process for Developing New Rule: Collaborative rule making. The draft rules will be shared with the public, stakeholders, and the program's advisory committee. The department will solicit input from all involved parties and consider all comments in the development of the final rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Janette Benham, 212 Maple Park Avenue S.E., Olympia, WA 98501, phone 360-790-6583; TTY Theresa Eckstein, relay 771 [711], 360-507-9890, or teckstein@esd.wa.gov; email rules@esd.wa.gov, website paidleave.wa.gov/rulemaking/.

May 17, 2023
April Amundson
Policy and Rules Manager
ESPI, Leave and Care Programs

WSR 23-11-082

**PREPROPOSAL STATEMENT OF INQUIRY
EMPLOYMENT SECURITY DEPARTMENT**

(Paid Family and Medical Leave Advisory Committee)

[Filed May 17, 2023, 11:21 a.m.]

Subject of Possible Rule Making: The employment security department (department), leave and care division, is considering rules to implement SSB 5286 (chapter 116, Laws of 2023) and SSB 5586 (chapter 375, Laws of 2023), which passed into law during the 2023 legislative session. The bills make changes to the paid family and medical leave (PFML) law (Title 50A RCW), and rules are needed to implement the changes.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 50A.05.060; chapter 116, Laws of 2023; chapter 375, Laws of 2023.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department recognizes the need for clear and usable guidance for ongoing programmatic operations. The department is considering new or amended rules to implement recently passed legislation. Topics may include:

- Annual premium rate calculation; and
- Employer access to certain information regarding an employee's use of PFML.

The department may also consider rules regarding public records and providing additional guidance as needed.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No federal agencies and no other state agencies regulate the PFML program as authority is granted solely to the department.

Process for Developing New Rule: Collaborative rule making. The draft rules will be shared with the public, stakeholders, and the program's advisory committee. The department will solicit input from all involved parties and consider all comments in the development of the final rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Janette Benham, 212 Maple Park Avenue S.E., Olympia, WA 98501, phone 360-790-6583; TTY Theresa Eckstein, relay 771 [711], 360-507-9890, or teckstein@esd.wa.gov; email rules@esd.wa.gov, website paidleave.wa.gov/rulemaking/.

May 17, 2023
April Amundson
Policy and Rules Manager
ESPI, Leave and Care Programs

WSR 23-11-086

PREPROPOSAL STATEMENT OF INQUIRY

BUILDING CODE COUNCIL

[Filed May 17, 2023, 5:01 p.m.]

Subject of Possible Rule Making: Chapter 51-54A WAC, Amendments to the 2021 International Fire Code to modify definitions related to family home child care facilities.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 19.27.031, 19.27.074.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Washington department of children, youth, and families (DCYF) has altered chapter 43.216 RCW, allowing for a waiver to increase the allowable number of children within a home child care facility. This conflicts with the maximum number allowed within the state building code council (SBCC) WAC. Changes are being considered to better corroborate the two.

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

Process for Developing New Rule: Stakeholder and subject matter experts technical advisory group review.

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

May 17, 2023
Tony Doan
Chair

WSR 23-11-087

PREPROPOSAL STATEMENT OF INQUIRY

BUILDING CODE COUNCIL

[Filed May 17, 2023, 5:02 p.m.]

Subject of Possible Rule Making: Chapter 51-54A WAC, Amendments to the 2021 International Fire Code to modify Chapter 12 Energy Storage Systems and Chapter 80 Referenced Standards.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 19.27.031, 19.27.074.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The technology of energy storage systems is a rapidly evolving field, and provisions addressing technologies not included in the 2021 model code are available in the 2024 model code. It is the intent to incorporate the changes addressing additional technologies from the 2024 model code into the amendments made to the 2021 model code for life health and safety purposes.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Department of Energy, Federal Energy Regulatory Commission.

Process for Developing New Rule: Stakeholder and subject matter experts' technical advisory group review.

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

May 17, 2023
Tony Doan
Chair

WSR 23-11-100
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE

[Order 23-12—Filed May 19, 2023, 10:28 a.m.]

Subject of Possible Rule Making: Revising the WAC for the emerging commercial fishery in the lower Columbia River.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.65.400, 77.70.160.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The agency designated an emerging commercial fishery in the lower Columbia River in November of 2022 to test the commercial viability of seines and pound nets, which are currently prohibited gear types in the Washington portion of the Columbia River via RCW 77.50.030. Since completing the WAC governing this fishery, a few revisions are needed on the timing of the application process and securing gear. The emerging commercial fishery allows these gears to be used commercially to harvest salmon, while gathering information to present to the Washington legislature when it is time for the legislature to decide whether to legalize the additional gears, and ensuring the fishery application logistics are sound is key to a successful emerging commercial fishery.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: This rule would support the *U.S. v. Oregon* Management Agreement which defines the portion of allowable impacts on species listed under the federal Endangered Species Act attributable to nontreaty fisheries. Based on this agreement, Washington and Oregon decide how those impacts are allocated within the commercial and recreational fishing sectors. Thus, we plan to share our progress on this rule making with the parties to the *U.S. v. Oregon* case, including the state of Oregon.

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 Charlene Hurst, phone 855-925-2801, project code 5016, TTY 1-800-833-6388 or 711, email emerging-commercial-fisheries@PublicInput.com, website <https://publicinput.com/emerging-commercial-fisheries>.

Additional comments: Assistance for additional accessibility and persons with disabilities, contact Title VI/ADA compliance coordinator, phone 360-902-2349, TTY 1-800-833-6388 or 711, email Title6@dfw.wa.gov.

May 18, 2023
Scott Bird
Rules Coordinator

WSR 23-11-101
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE

[Order 23-11—Filed May 19, 2023, 10:28 a.m.]

Subject of Possible Rule Making: The Washington department of fish and wildlife (WDFW) is considering rule making for Lake Roosevelt white sturgeon fishery.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.04.012, 77.04.055, 77.12.047, and 77.60.070.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Weak year-classes of wild-caught-larval (WCL) white sturgeon produced between 2011-2016 (year-classes of concern), which were reared and released as part of the conservation aquaculture program in Lake Roosevelt, will begin entering harvestable sizes in 2023. This group of sturgeon is present in low abundance but has high conservation value. Concurrently, there is a need to maintain a harvest sturgeon fishery in Lake Roosevelt in order to remove over-represented year-classes of hatchery sturgeon produced from 2001-2010. The Lake Roosevelt sturgeon fishery will require multiple rule changes over the next decade in order to maintain harvest of target year-classes of sturgeon while managing the fishery to minimize harvest impacts to wild caught larvae year-classes of concern.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: WDFW is the sole authority regulating the Lake Roosevelt recreational sturgeon fishery. The Confederated Tribes of the Colville Reservation and the Spokane Tribe of Indians regulate tribal sturgeon fisheries in Lake Roosevelt.

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 Kelly Henderson, phone 855-925-2801, project code 5179, TTY 1-800-833-6388 or 711, email roosevelt-sturgeon@PublicInput.com, website <https://publicinput.com/roosevelt-sturgeon>.

Additional comments: Assistance for additional accessibility and persons with disabilities, contact Title VI/ADA compliance coordinator, phone 360-902-2349, TTY 1-800-833-6388 or 711, email Title6@dfw.wa.gov.

May 18, 2023
Scott Bird
Rules Coordinator

WSR 23-11-105
PREPROPOSAL STATEMENT OF INQUIRY
GAMBLING COMMISSION

[Filed May 19, 2023, 1:15 p.m.]

Subject of Possible Rule Making: WAC 230-10-460, regarding shared bingo facilities, needs to be amended to bring it into line with amendments made to RCW 9.46.0205 in the most recent legislative session.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 9.46.070 and 9.46.0205.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: With the passage of HB 1707, an act relating to bingo conducted by bona fide charitable and nonprofit organizations, WAC 230-10-460, regarding shared bingo facilities, needs to be amended in order to be consistent with the amendments made to RCW 9.46.0205.

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

Process for Developing New Rule: Regular rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Lisa C. McLean, Legislative and Policy Manager, P.O. Box 42400, Olympia, WA 98504-2400, phone 360-486-3454, TTY 360-486-3637, email rules.coordinator@wsgc.wa.gov, website www.wsgc.wa.gov.

May 19, 2023
Lisa C. McLean
Legislative and Policy Manager

WSR 23-11-106
PREPROPOSAL STATEMENT OF INQUIRY
GAMBLING COMMISSION

[Filed May 19, 2023, 1:16 p.m.]

Subject of Possible Rule Making: The gambling commission is considering a petition to expand the definition of "qualified sports team" as defined in WAC 230-03-138.

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 commission received a petition to expand the definition of "qualified sports team" in WAC 230-03-138 to include the four teams of the affiliated professional minor league baseball and the four teams of the Western Hockey League. This change would allow charitable or nonprofit organizations established by, or directly affiliated with, these sports teams to apply for a license to operate electronic raffles.

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

Process for Developing New Rule: Regular rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Lisa C. McLean, Legislative and Policy Manager, P.O. Box 42400, Olympia, WA 98504-2400, phone 360-486-3454, TTY 360-486-3637, email rules.coordinator@wsgc.wa.gov, website www.wsgc.wa.gov.

May 16, 2023
Lisa C. McLean
Legislative and Policy Manager

WSR 23-11-127
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed May 23, 2023, 8:41 a.m.]

Subject of Possible Rule Making: Elevator fee corrections; WAC 296-96-00922, 296-96-01005, 296-96-01010, 296-96-01025, 296-96-01027, 296-96-01030, 296-96-01035, 296-96-01040, 296-96-01045, 296-96-01055, 296-96-01057, 296-96-01060, and 296-96-01065.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 70.87 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The purpose of this rule making is to consider corrections to the elevator fees under chapter 296-96 WAC. On October 18, 2022, the department of labor and industries (L&I) adopted an 8.5 percent increase to all elevator fees effective January 1, 2023, and January 1, 2024 (WSR 22-21-118). The fee increase was needed to support funding for a new conveyance management system. As a result of a typographical error, some of the fee implementation dates were incorrect. The fees affected include permits, inspections, and other services for conveyances. This rule making considers amendments to make corrections and for general housekeeping.

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

Process for Developing New Rule: Interested parties can participate in the decision to adopt the new rules and formulation of the proposed rules before publication by contacting the individual listed below. The public can also participate after amendments are proposed by providing written comments and/or testimony during the public hearing and comment process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Meagan Edwards, L&I, Field Services and Public Safety, P.O. Box 44400, Olympia, WA 98504-4400, phone 360-522-0125, fax 360-902-6134, email Meagan.Edwards@Lni.wa.gov, website <https://lni.wa.gov/licensing-permits/elevators/laws-rules-policies#rule-development>.

May 23, 2023
Joel Sacks
Director

WSR 23-11-128
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed May 23, 2023, 8:42 a.m.]

Subject of Possible Rule Making: Reporting and classification amendments; chapter 296-17 WAC, General reporting rules, audit and recordkeeping, rates and rating system for Washington workers' compensation insurance; and chapter 296-17A WAC, Classifications for Washington workers' compensation insurance.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 51.16.035 and 51.04.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: 2024 Reporting and classification amendments: Classification development's goal is to implement clear rule writing to ensure staff and customers can easily understand and apply the workers' compensation insurance classification and reporting rules. Classification development studied some subclassifications for potential reduction in number, and reviewed classification and reporting rules for improvement and clarification.

The purpose of this rule making is not to make substantive changes to how employers are classified and amendments will not impact employer rates.

As part of this rule making, the department of labor and industries (L&I) also intends to review these chapters for need, clarity, and consistency to make changes where possible to reduce the regulatory burden on employers insured with the state fund.

Also as part of this rule making, L&I intends to respond to legislation that may require implementation.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No other state, local, or federal agency regulates this subject.

Process for Developing New Rule: L&I will solicit input from the business community by way of the internet. L&I will use input to formulate proposed changes to the existing rules and advise customers of future rule making by the internet.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jo Anne Attwood, L&I, Insurance Services, Employer Services, P.O. Box 44148, Olympia, WA 98504-4148, phone 360-902-4777, fax 360-902-4988, email JoAnne.Attwood@Lni.wa.gov, website www.Lni.wa.gov/rulemaking-activity.

May 23, 2023
Joel Sacks
Director

WSR 23-11-130

PREPROPOSAL STATEMENT OF INQUIRY

WASHINGTON STATE PATROL

[Filed May 23, 2023, 10:30 a.m.]

Subject of Possible Rule Making: WAC 446-65-010 Transportation requirements.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.32.020 and 46.48.170.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: WAC 446-65-010(1) needs to be amended to bring all the Code of Federal Regulations adopted by reference current to October 1, 2023.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Washington Association Sheriffs and Police Chiefs, Federal Motor Carrier Safety Administration, and the Washington Trucking Association.

Process for Developing New Rule: The Washington state patrol (WSP) welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, WSP will file a proposed rule making (CR-102) with the office of the code reviser with a notice of proposed rule making. A copy of the proposal will be sent 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 Kimberly Mathis, Agency Rules Coordinator, 106 11th Avenue S.W., Olympia, WA, phone 360-596-4017, email wsprules@wsp.wa.gov, website wsp.wa.gov/rules-development/.

May 23, 2023
John R. Batiste
Chief

WSR 23-11-131
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF CORRECTIONS
[Filed May 23, 2023, 10:39 a.m.]

Subject of Possible Rule Making: Chapter 137-56 WAC.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Establish current and relevant rule violations with progressive discipline for partial confinement settings under the jurisdiction of the department. This process includes adding graduated reentry - electronic home monitoring, work/training release facilities, and the community parenting alternative - FOSA.

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 Carrie Stanley, Administrator, Department of Corrections, Reentry Division, P.O. Box 41126, Tumwater, WA 98504, phone 360-480-3921, email Carrie.Stanley@doc1.wa.gov; or Vadim Chebotar, Senior Contracts Attorney, Department of Corrections, Contracts and Legal Affairs, P.O. Box 41114, Tumwater, WA 98504, phone 253-261-1465, email Vadim.chebotar@doc.wa.gov, website www.doc.wa.gov.

May 23, 2023
Cheryl Strange
Secretary

WSR 23-11-132
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
RETIREMENT SYSTEMS

[Filed May 23, 2023, 10:43 a.m.]

Subject of Possible Rule Making: Interruptive military service credit for members of the state retirement systems.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.50.050; and chapter 18, Laws of 2023.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To implement the interruptive military service credit bill (SHB 1007), which passed during the 2023 legislative session.

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 Bianca Stoner, Department of Retirement Systems, P.O. Box 48380, Olympia, WA 98504-8380, phone 360-664-7291, TTY 711, email drs.rules@drs.wa.gov, website www.drs.wa.gov/rules.

May 23, 2023
Bianca Stoner
Rules Coordinator

WSR 23-11-133
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
RETIREMENT SYSTEMS

[Filed May 23, 2023, 10:49 a.m.]

Subject of Possible Rule Making: Judicial retirement benefit multiplier rules.

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: Clarifying the requirements of the judicial benefit multiplier program including, but not limited to, membership, contribution rates, and benefits calculation.

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 Bianca Stoner, Department of Retirement Systems, P.O. Box 48380, Olympia, WA 98504, phone 360-664-7291, TTY 711, email drs.rules@drs.wa.gov, website www.drs.wa.gov/sitemap/rules.

May 23, 2023
Bianca Stoner
Rules Coordinator

WSR 23-11-135
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
RETIREMENT SYSTEMS

[Filed May 23, 2023, 1:10 p.m.]

Subject of Possible Rule Making: Implementing retiree return to work bills from the 2023 legislative session.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.50.050; and chapters 99 and 410, Laws of 2023.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To implement the retiree return to work bills that passed during the 2023 legislative session: Repealing some postretirement employment restrictions (SHB 1056) and postretirement employment in nursing positions for a state agency (SSB 5538).

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 Bianca Stoner, Department of Retirement Systems, P.O. Box 48380, Olympia, WA 98504-8380, phone 360-664-7291, TTY 711, email drs.rules@drs.wa.gov, website www.drs.wa.gov/rules.

May 23, 2023
Bianca Stoner
Rules Coordinator

WSR 23-11-136
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
RETIREMENT SYSTEMS

[Filed May 23, 2023, 2:02 p.m.]

Subject of Possible Rule Making: Implementing public safety employees' retirement plan membership for public safety telecommunications (HB 1055).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.50.050; and chapter 199, Laws of 2023.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To implement a bill regarding public safety employees' retirement plan membership for public safety telecommunications (HB 1055), which passed during the 2023 legislative session.

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 Bianca Stoner, Department of Retirement Systems, P.O. Box 48380, Olympia, WA 98504-8380, phone 360-664-7291, TTY 711, email drs.rules@drs.wa.gov, website www.drs.wa.gov/rules.

May 23, 2023
Bianca Stoner
Rules Coordinator

WSR 23-11-143
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH
(Nursing Care Quality Assurance Commission)
[Filed May 24, 2023, 7:35 a.m.]

Subject of Possible Rule Making: Initial licensure via an out-of-state traditional nursing education program approved by another United States Nursing Board, applicants applying via interstate endorsement, and other related licensure requirements. The nursing care quality assurance commission (commission) is considering amending WAC 246-840-030, 246-840-090, and other rule sections related to licensure requirements for registered nurses (RN) and licensed practical nurses (LPN).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.79.010 and 18.79.110.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The commission is considering amendments to WAC 246-840-030, 246-840-090, and other related rule sections to clarify specific licensing requirements for RN and LPN applicants. The rules as currently written state that a nurse who has graduated from another state's approved nursing program or from a substantially equivalent program may be licensed. The commission became aware that certain nursing programs in Florida and elsewhere had programs that were fraudulently granting diplomas. The commission is considering amending these rules to ensure that the rules cannot be read to mean that because their fraudulent nursing program was approved by another state, the commission must accept it and license these individuals. The commission must protect the people of Washington by only licensing qualified, properly trained nurses. As a preliminary step, the commission has filed emergency rules to address these amendments and assess whether to make the emergency rule language permanent or add additional language to set clear minimum standards for RN and LPN licensure.

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

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jessilyn Dagum, P.O. Box 47864, Olympia, WA 98504-7864, phone 360-236-3538, fax 360-236-4738, TTY 711, email NCQAC.Rules@doh.wa.gov, website www.nursing.wa.gov.

Additional comments: The commission will notify interested parties of rule making by posting information on the department of health website, the commission website, and by use of GovDelivery. Interested parties may sign up to receive commission rule-making notices at <https://public.govdelivery.com/accounts/WADOH/subscriber/new>. The commission will hold virtual meetings at varying times to encourage participation.

May 24, 2023
Paula R. Meyer, MSN, RN, FRE
Executive Director
Nursing Care Quality Assurance Commission

WSR 23-11-144
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING
[Filed May 24, 2023, 8:49 a.m.]

Subject of Possible Rule Making: Create a new chapter in Title 308 WAC to define business rules, guidelines, and the process for conducting administrative reviews.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.20.245, 46.20.289, 46.20.291, 46.20.2892; WAC 308-104-025 and 308-104-160.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Administrative reviews and interviews occur when individuals contest actions made by the department that impact their eligibility to operate a motor vehicle. Although administrative reviews and interviews are defined in RCW 46.20.245, the specifics of conducting the document review or interview must be defined by the department and applicable business area. Standard procedures will include eligibility, evidence to be reviewed, authority of the review, and other legal remedies available post-review.

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

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kelsey Stone, 1125 Washington Street S.E., Olympia, WA 98504, phone 360-902-0131, email rulescoordinator@dol.wa.gov [rulescoordinator@dol.wa.gov], website dol.wa.gov/about/rules; or Marta Reinhold, P.O. Box 9031, Olympia, WA 98507-9031, phone 360-664-1488, fax 360-570-4950, email mreinhold@dol.wa.gov [mreinhold@dol.wa.gov], website hearings@dol.wa.gov.

May 24, 2023
Ellis Starrett
Rules and Policy Manager

WSR 23-11-145
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING
[Filed May 24, 2023, 8:54 a.m.]

Subject of Possible Rule Making: Update chapter 308-101 WAC to clarify business practices, procedures, and guidelines as it pertains to CDLs and hearing requests under RCW 46.20.308, requests for interpreters, defining good cause, and defining the requirements to request a hearing as a habitual traffic offender.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 34.05.030 (2) (b) and 46.01.110 rule-making authority. RCW 46.01.040(10) Powers, duties, and functions relating to motor vehicle laws vested in department. (10) The administration of the laws relating to reciprocal or proportional registration of motor vehicles as provided in chapter 46.85 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Update procedures and guidelines in chapter 308-101 WAC related to any hearings requested by CDL holders under RCW 46.20.308, requests for interpreters, defining good cause, and requirements for habitual traffic offenders requesting a hearing, to inform the customers about the process and considerations. The intent of this rule making is to ensure clear and transparent access to the administrative hearings process.

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

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kelsey Stone, 1125 Washington Street S.E., Olympia, WA 98504, phone 360-902[-0131], email rulescoordinator@dol.wa.gov, website dol.wa.gov/about/rules; or Miriam Norman, P.O. Box 9031, Olympia WA 98507-9031, phone 360-634-5127, fax 360-570-4950, email Miriam.norman@dol.wa.gov, website hearings@dol.wa.gov.

May 24, 2023
Ellis Starrett
Rules and Policy Manager

WSR 23-11-147

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF LICENSING

[Filed May 24, 2023, 9:11 a.m.]

Subject of Possible Rule Making: Creation of a new WAC to address criteria for issuance of motorcycle instructional permits and endorsements, for both two-wheel and three-wheel motorcycles. This new WAC will address the length of validity for motorcycle permit and endorsement tests.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.20.510.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Currently, issuance criteria are only written in the department of licensing internal policy and are not customer-facing in state law or rules. This rule making will codify the requirements for issuance of a two-wheel or three-wheel motorcycle permit or endorsement. It will also set the length of validity for each criteria.

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

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kelsey Stone, 1125 Washington Street S.E., Olympia, WA 98504, phone 360-902-0131, email rulescoordinator@dol.wa.gov, website dol.wa.gov/about/rules.

May 24, 2023
Ellis Starrett
Rules and Policy Manager

WSR 23-11-155
PREPROPOSAL STATEMENT OF INQUIRY
LIQUOR AND CANNABIS
BOARD

[Filed May 24, 2023, 10:08 a.m.]

Subject of Possible Rule Making: Title 314 WAC; the Washington state liquor and cannabis board (WSLCB) is considering repealing, amending, and creating rule sections as necessary to implement alcohol- and cannabis-related legislation enacted during the 2023 legislative session, including HB 1730 (chapter 158, Laws of 2023), ESHB 1731 (chapter 257, Laws of 2023), and HB 1772 (chapter 217, Laws of 2023).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 66.08.030 (liquor), 66.20.330 (alcohol servers), and 69.50.342 (cannabis).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rules may be needed to implement the provisions of the following alcohol- and cannabis-related legislation as follows:

- HB 1730, which allows youth ages 18 and older to work in establishments traditionally classified as off-limits to persons under the age of 21 under certain specific and limited circumstances;
- ESHB 1731, which concerns the provision of complimentary liquor to short term rental operators; and
- HB 1772, which prohibits the manufacture, importation, and sale of products that combine alcohol and tetrahydrocannabinol.

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 Daniel Jacobs, Policy and Rules Coordinator, P.O. Box 43080, Olympia, WA 98504, phone 360-480-1238, fax 360-704-5027, email rules@lcb.wa.gov, website lcb.wa.gov.

Additional comments: Interested persons can participate in the rule 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 24, 2023
David Postman
Chair

WSR 23-11-160
PREPROPOSAL STATEMENT OF INQUIRY
LIQUOR AND CANNABIS
BOARD

[Filed May 24, 2023, 10:30 a.m.]

Subject of Possible Rule Making: WAC 314-02-1071 What is "trade area"? The Washington state liquor and cannabis board (WSLCB) is considering amending, adding new sections, or repealing existing rule related to trade area exceptions.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 66.08.030, 66.24.630.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In November 2011, Initiative Measure No. 1183 created a statutory framework privatizing liquor sales in the state of Washington. This framework included the creation of several new statutes, including RCW 66.24.630 establishing a spirits retail license allowing spirits sales in original containers for off-premises consumption under specific conditions and to specific entities. The statute also provided that a spirits retail license could be issued for premises comprising at least 10,000 square feet of fully enclosed retail space within a single structure, unless there was no spirits retail license holder in the trade area that the applicant proposes to serve. The term "trade" area was not defined in statute and this specific section of statute has remained unchanged since enactment.

In 2013, WSLCB adopted WAC 314-02-1071 that, among other things, defined the term "trade area" as "an area where there is no spirits retail license within a twenty-mile travel distance at the time of license application." The rule provided an exception for a spirits retail license applicant seeking licensure for a location where the significant mode of travel is other than by automobile. This exception contemplated premises located in Washington island communities that may only be accessible by boat.

WAC 314-02-1071 has not been revised since its original promulgation in 2013. WSLCB seeks to explore whether rule revision is needed in response to statewide demographic shifts and current socioeconomic factors.

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 Dr. Katherine Hoffman, Research Manager, P.O. Box 43080, Olympia, WA 98504, phone 360-664-1622, fax 360-704-5027, email rules@lcb.wa.gov, website lcb.wa.gov.

Additional comments: Interested persons can participate in the rule 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 24, 2023
David Postman
Chair

WSR 23-11-161
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
NATURAL RESOURCES

[Filed May 24, 2023, 10:33 a.m.]

Subject of Possible Rule Making: Amending WAC 332-130-080(3) to revise the requirement for reporting relative accuracy on the land survey map being recorded.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 58.24.030 and 58.24.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The wording in the current version of WAC 332-130-080(3) is permissive about having a statement about relative accuracy on the survey map. This revision will make a relative accuracy statement mandatory.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Coordination on compliance is with the board of registration for professional engineers and land surveyors (BRPELS).

Process for Developing New Rule: Full rule-making process. Drafted in conjunction with stakeholders, including BRPELS.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Patrick J. Beehler, PLS, CFedS, 1111 Washington Street S.E., Olympia, WA 98504-7030, phone 360-902-1181, fax 306-902-1778 [360-902-1778], email pat.beehler@dnr.wa.gov, website <https://www.dnr.wa.gov/>; or David Icenhower, PLS, CFedS, 801 88th Avenue S.E., Tumwater, WA 98504-7019, phone 360-902-1197, fax 360-902-1191, email David.Icenhower@dnr.wa.gov, website <https://www.dnr.wa.gov/public-land-survey-office>.

May 24, 2023
Michael Kearney
Acting Deputy Supervisor
State Uplands

WSR 23-11-168
PREPROPOSAL STATEMENT OF INQUIRY
STATE BOARD OF EDUCATION

[Filed May 24, 2023, 11:40 a.m.]

Subject of Possible Rule Making: Chapter 180-19 WAC, Charter schools. Rule making is required to implement changes associated with the passage of ESHB 1744 during the 2023 legislative session (chapter 356, Laws of 2023). In addition, the board will review and streamline timelines set in rule, correct references, and make other changes as needed to improve readability and ensure effective implementation of the law.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.710.090, 28A.710.130, 28A.710.140, and 28A.710.150.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: ESHB 1744 makes various changes to provisions governing the administration and oversight of charter schools, including new and modified duties for charter schools, charter school boards, charter school authorizers, the charter school commission, and the state board of education (board) that required changes to the current rules. In addition, the board, in consultation with the authorizers, has identified a number of other issues in the rules that are either confusing or add administrative burden that the agencies would like to address during this revision. For example, the timeline for approval of new authorizers leaves little flexibility by inserting a number of steps and deadlines that are not called out in the underlying statute. Additionally, some questions are not addressed in the rule, such as clarification on how approved schools are counted toward the statewide limit.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Office of the superintendent of public instruction and Washington state charter school commission each have a role in regulation of charter schools in the state. The board is consulting with each agency in the development of the revised rules and consulting with the only other approved authorizer in the state, Spokane public schools.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jacki Verd, 600 Washington Street S.E., Olympia, WA 98504, phone 360-725-6025, fax 360-753-6712, email rulescoordinatorSBE@k12.wa.us, website www.sbe.wa.gov; or Randy Spaulding, 600 Washington Street S.E., Olympia, WA 98504, phone 360-725-6025, fax 360-753-6712.

May 24, 2023
Randy Spaulding
Executive Director

WSR 23-11-169
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
ENTERPRISE SERVICES

[Filed May 24, 2023, 11:53 a.m.]

Subject of Possible Rule Making: Small public works procurements.
Statutes Authorizing the Agency to Adopt Rules on this Subject:
SSSB [2SSB] 5268, chapter 395, Laws of 2023.

Reasons Why Rules on this Subject may be Needed and What They
Might Accomplish: SSSB [2SSB] 5268 updates small works procurement
rules to enhance administrative efficiency, promote the utilization
and growth of small business, and maintain protections to the labor
work force.

The department of enterprise services (DES) rules under chapter
200-330 WAC, Small works roster, address small public works procure-
ment by state agencies and will need to be updated to meet DES's rule-
making requirements and to align with the intent and direction of SSSB
[2SSB] 5268.

Other Federal and State Agencies that Regulate this Subject and
the Process Coordinating the Rule with These Agencies: There are no
federal agencies that regulate this subject. The office of minority
and women's business enterprises (OMWBE) will be developing rules re-
lated to SSSB [2SSB] 5268. DES will consult with OMWBE through the de-
velopment of the DES rules.

Process for Developing New Rule: DES staff will include anyone
interested in participating with DES in developing a proposed rule. An
opportunity will also be provided for anyone to submit written com-
ments on the proposed rules during the public comment period and
present oral testimony at the public hearings. The public is encour-
aged to participate in all agency rule making. Specific opportunities
to participate in agency rule-making activities are provided on the
DES rule-making website <https://des.wa.gov/policies-legal/rulemaking>.

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

May 24, 2023
Jack Zeigler
Policy and Rules Manager