

WSR 23-12-001
PREPROPOSAL STATEMENT OF INQUIRY
PUBLIC DISCLOSURE COMMISSION

[Filed May 24, 2023, 12:03 p.m.]

Subject of Possible Rule Making: The public disclosure commission (commission) will consider making revisions to the lobbying reporting requirements, including direct and indirect (grassroots) lobbying activity. The commission also will consider making inflationary adjustments to the contribution limits and reporting values in the Fair Campaign Practices Act, with particular emphasis on the reporting values for lobbying activity, but other subject areas will be under consideration as well.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 42.17A.110, [42.17A].125, [42.17A].615, [42.17A].630, [42.17A].635, and [42.17A].640.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The commission will review current regulatory requirements for direct and indirect lobbying reporting in conjunction with the planning for updates to the lobbying reporting system, which will provide the opportunity for updating or improving the current requirements. Particular emphasis will be placed on considering revisions to the indirect (grassroots) lobbying reporting requirements.

The commission will also consider making inflationary adjustments to the monetary values and reporting thresholds, with particular emphasis on lobbying. Under RCW 42.17A.125, the commission must consider revising monetary limits and reporting values every two to five years. Adjustments are made by rule in recognition of the economic changes as reflected in the inflationary index recommended by the office of financial management (OFM) and rounded off to be most accessible for the public.

The economic conditions reflected in the current inflationary index may warrant adjustments in monetary limits and thresholds in regards to lobbying, and also may include adjustments or technical changes to the values in other areas of the rules. In addition, the monetary values set in rule will be evaluated in relation to the inflationary adjustments in statutory values to ensure continuity and effectiveness of the law.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The commission must use an inflationary index recommended by OFM to calculate the inflationary adjustments. The commission will coordinate with OFM to determine the inflationary index to calculate the adjustments for each monetary value.

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 Sean Flynn, 711 Capitol Way South, Suite 206, Olympia, WA 98504, phone 360-753-1111, fax 360-753-1112, email pdc@pdc.wa.gov, website www.pdc.wa.gov.

May 24, 2023
Sean Flynn
General Counsel

WSR 23-12-002
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH
(Board of Massage)
[Filed May 24, 2023, 1:32 p.m.]

Subject of Possible Rule Making: WAC 246-830-430 Education and training; the board of massage (board), in coordination with the department of health (department), is considering amendments to the education and training rule to include parameters on online and virtual education and adding health equity awareness training to initial licensure requirements for new massage licensees.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.108.025 and 18.108.085.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To address the difficulties related to the coronavirus disease 2019 (COVID-19) pandemic that impacted massage therapy schools. In March 2020, the board allowed all massage programs to continue to operate their board-approved program in a distance learning format upon approval by, and in accordance with, the workforce training and education coordinating board's requirements. Hybrid massage programs continue to operate, but no rules exist to guide a school on what topics or how many hours may be in a virtual/online/remote format versus what must be in person.

In 2021, the legislature passed ESSB 5229 concerning health equity continuing education for health care professionals, codified as RCW 43.70.613, which directs the rule-making authority for each health profession licensed under Title 18 RCW subject to continuing education to adopt rules requiring a licensee to complete health equity continuing education training at least once every four years. The board is addressing this in a current rules project initiated under a notice filed as WSR 23-01-132. In addition to requiring health equity courses for continuing education, the board would also like to consider adding health equity awareness to initial education and training requirements for licensure.

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 Megan Maxey, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-236-4945, fax 360-236-2901, TTY 711, email megan.maxey@doh.wa.gov, website www.doh.wa.gov/massage, massage.therapy@doh.wa.gov.

Additional comments: Interested parties can participate in the drafting of the proposed rules. Rules workshops will be conducted with interested parties and subject matter experts. Existing GovDelivery lists and other known contact information will be used to inform interested parties of opportunities to provide input on proposed rule language. To find out more information about our rule making, visit www.doh.wa.gov. To subscribe to GovDelivery, please visit www.doh.wa.gov and select the "Subscribe" button at the bottom of the page. After signing in, please click open the box labeled "Health Systems Quality Assurance." Next, click open the box labeled "Health Professions" and then click on "Board of Massage." You may also check the box next to one or more of the other professions listed to receive information related to that specific profession.

May 24, 2023
Heidi Williams, LMT
Board of Massage Chairperson

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

WSR 23-12-009

**PREPROPOSAL STATEMENT OF INQUIRY
EMPLOYMENT SECURITY DEPARTMENT**

[Filed May 24, 2023, 4:05 p.m.]

Subject of Possible Rule Making: Standard occupational classification reporting for federally-recognized tribes.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 50.12.010 and 50.12.040 provide general rule-making authority to the employment security department (ESD). RCW 50.12.070, as amended by HB 1684 (2023), provides authority for ESD to adopt rules implementing HB 1684.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule making will enact changes made by HB 1684 (2023), which allows, but does not require, federally-recognized tribes to report to the ESD standard occupational code and job titles for its employees in its wage reports.

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 to 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 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 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 24, 2023

Dan Zeitlin

Employment System Policy Director

**WSR 23-12-010
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY**

[Filed May 25, 2023, 5:55 a.m.]

The health care authority (HCA) requests withdrawal of the pre-proposal statement of inquiry filed as WSR 20-21-106 on October 21, 2020, and distributed in the 20-21 State Register. HCA plans to refile the CR-101 and restart the rule-making process, which has been stalled for several years.

Wendy Barcus
Rules Coordinator

WSR 23-12-011
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF ECOLOGY
[Order 22-18—Filed May 25, 2023, 8:03 a.m.]

Subject of Possible Rule Making: The rule making will adopt new chapter 173-446B WAC, Climate Commitment Act funds reporting. The rule will establish reporting requirements for recipients of cap-and-invest auction revenue so that ecology can complete annual reports to the state legislature, as required by the Climate Commitment Act (RCW 70A.65.300). It will define what, when, and how recipients must report their expenditures to ecology. Additionally, the rule will outline the process to determine whether projects result in greenhouse gas (GHG) emissions reductions. For projects that do, it will outline the process to calculate the quantity of GHG emissions reduced.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Climate Commitment Act—Cap and invest program, RCW 70A.65.300.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule making is required by RCW 70A.65.300(3). The data submitted based on the rule's requirements will allow ecology to produce an annual report to the legislature, as required by RCW 70A.65.300(1). This rule making will also outline the process to determine the GHG emissions reductions resulting from emissions-reducing projects. Information about emissions reductions and cost-benefit ratios will be included in ecology's annual report.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: This rule making will set requirements for recipients of auction revenue. Other state entities that regulate or have interest in this subject are the office of financial management (OFM), the governor's office, the environmental justice council, and the legislature. We plan to coordinate with the regulated agencies through OFM by seeking the input of agency budget directors and other designated staff concerned with climate accounts. We also plan to work with commerce's state efficiency and environmental performance office to seek the input of state agency staff involved in estimating GHG reductions for state agency operations. We will work with the environmental justice council, particularly on the issue of how we report on expenditures in overburdened communities. We are communicating with California air resources board staff who work on similar topics in California to understand the best approaches to developing methodologies and receiving data from agencies.

Process for Developing New Rule: Ecology will follow the standard process for the adoption of rules under the Administrative Procedure Act (chapter 34.05 RCW).

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Harrison Ashby, Department of Ecology, Air Quality Program, P.O. Box 47600, Olympia, WA 98504-7600, phone 360-485-2771, Washington relay service or TTY call 711 or 877-833-6341, email harrison.ashby@ecy.wa.gov, website <https://ecology.wa.gov/Regulations-Permits/Laws-rules-rulemaking/Rulemaking/WAC-173-446B>, sign up to receive email notices https://public.govdelivery.com/accounts/WAECY/subscriber/new?topic_id=WAECY_285.

Additional comments: Interested parties can stay informed about the rule making and public involvement opportunities as described above. Ecology will extend an offer for government-to-government con-

sultation with tribal governments during each phase of rule development.

May 25, 2023
Kathy Taylor
Air Quality Program Manager

WSR 23-12-016
PREPROPOSAL STATEMENT OF INQUIRY
SKAGIT VALLEY COLLEGE

[Filed May 25, 2023, 1:18 p.m.]

Subject of Possible Rule Making: WAC 132D-150-050(9), hazing.

Statutes Authorizing the Agency to Adopt Rules on this Subject:
RCW 28B.10.901 and 28B.10.902.

Reasons Why Rules on this Subject may be Needed and What They
Might Accomplish: 2SHB 1751 Sam's Law is the name of new antihazing
legislation recently adopted in Washington state. It's named after Sam
Martinez, a freshman at Washington State University who died of alco-
hol poisoning at a fraternity party in November 2019. The new law up-
dates the definition of hazing and requires institutions of higher ed-
ucation (IHEs) to implement antihazing programming for employees and
students. It also requires IHEs to publish an annual report identify-
ing student organizations, athletic teams, and living groups found re-
sponsible for engaging in hazing.

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

Process for Developing New Rule: Negotiated rule making and agen-
cy study.

Interested parties can participate in the decision to adopt the
new rule and formulation of the proposed rule before publication by
contacting Pam Davis, 2405 East College Way, Mount Vernon, WA 98273,
phone 360-416-7995, fax 360-416-7773, TTY 360-416-7718, email
pam.davis@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 25, 2023

Pam Davis

Executive Assistant to the President
Rules Coordinator

WSR 23-12-017

**PREPROPOSAL STATEMENT OF INQUIRY
EMPLOYMENT SECURITY DEPARTMENT**

[Filed May 25, 2023, 2:38 p.m.]

Subject of Possible Rule Making: Expanding good cause for voluntarily quitting employment.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 50.12.010 and 50.12.040 provide general rule-making authority to the employment security department (department). The department has authority to adopt rules to implement HB [ESHB] 1106 (2023), which amended RCW 50.20.050 and 50.29.021.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule making is needed to incorporate the changes made by HB [ESHB] 1106 into the department's rules, which expanded the good cause reasons for voluntarily quitting employment set forth in RCW 50.20.050 and updates the employer charging requirements set forth in RCW 50.29.021.

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 to 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: Permanent rule making.

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 25, 2023

Dan Zeitlin

Employment Security Policy Director

WSR 23-12-018
PREPROPOSAL STATEMENT OF INQUIRY
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed May 25, 2023, 3:55 p.m.]

Subject of Possible Rule Making: Chapter 392-170 WAC, Special service program—Highly capable students.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.185.010 and 28A.185.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The office of superintendent of public instruction (OSPI) is considering rule making, based on SB [SSB] 5072 passed by the Washington state legislature in 2023, concerning universal screening to identify students needing highly capable services, including focusing on equitable identification of low-income and underserved students.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jody Hess, Highly Capable Student Program Supervisor, OSPI, P.O. Box 47200, Olympia, WA 98504, phone 360-725-6171, TTY 360-664-3631, email jody.hess@k12.wa.us, website k12.wa.us; or Dr. Jon Ram Mishra, OSPI, P.O. Box 47200, Olympia, WA 98504, phone 360-701-9321, email Jon.Mishra@k12.wa.us, website k12.wa.us.

May 25, 2023

Chris P. S. Reykdal

State Superintendent of Public Instruction

WSR 23-12-022
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
CHILDREN, YOUTH, AND FAMILIES

[Filed May 26, 2023, 9:15 a.m.]

Subject of Possible Rule Making: The department of children, youth, and families (DCYF) will be making changes to the foster care rate assessment (FCRA) WAC in chapter 110-50 WAC and other related rules. The WAC revisions will allow DCYF to revise the foster care maintenance levels and rates and the standardized process that will be used to determine the level and rate paid to licensed foster parents. The standardized process will determine the child's or youth's level and rate based on their physical, mental health, and behavioral needs. The WAC will also be reorganized and redundancy removed, decreasing the number of FCRA WAC.

DCYF will also be revising the placement WAC in chapter 110-50 WAC and other related rules regarding child placing agencies' (CPAs) expectations and reimbursement as they relate to the revised foster care maintenance levels and rates in chapter 110-50 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.216.065 and 74.13.031.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The WAC revisions will allow DCYF to pay additional levels of foster care maintenance payments based on the specific needs of the child or youth. The changes to the standardized assessment tool will be centered on the child's or youth's needs, not on the home they are placed in.

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: Collaborative.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Michael Campbell, 1210 West University Way, Ellensburg, WA 98926, phone 509-654-4940.

May 26, 2023
Brenda Villarreal
Rules Coordinator

WSR 23-12-041

PREPROPOSAL STATEMENT OF INQUIRY

BUILDING CODE COUNCIL

[Filed May 30, 2023, 3:54 p.m.]

Subject of Possible Rule Making: Chapter 51-11C WAC, Washington State Energy Code, Commercial Provisions.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 19.27A.025.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The council is considering changes to the energy code to address possible federal preemption issues regarding appliance regulation.

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: 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 Krista Braaksma, P.O. Box 41449, phone 360-407-9278, email sbcc@des.wa.gov, website sbcc.wa.gov.

May 24, 2023
Tony Doan
Council Chair

WSR 23-12-042

PREPROPOSAL STATEMENT OF INQUIRY

BUILDING CODE COUNCIL

[Filed May 30, 2023, 3:55 p.m.]

Subject of Possible Rule Making: Chapter 51-11R WAC, Washington State Energy Code, Commercial Provisions.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 19.27A.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The council is considering changes to the energy code to address possible federal preemption issues regarding appliance regulation.

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: 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 Krista Braaksma, P.O. Box 41449, phone 360-407-9278, email sbcc@des.wa.gov, website sbcc.wa.gov.

May 24, 2023
Tony Doan
Council Chair

WSR 23-12-046
PREPROPOSAL STATEMENT OF INQUIRY
BOARD OF ACCOUNTANCY

[Filed May 31, 2023, 9:49 a.m.]

Subject of Possible Rule Making: WAC 4-30-010 Definitions, 4-30-020 What are the authority for and the purpose of the Board's rules?, 4-30-028 Rules governing the formal adjudicative proceedings and the brief adjudicative proceedings before the board, 4-30-030 What are the requirements for communicating with the board and staff?, 4-30-032 Do I need to notify the board if I change my address?, 4-30-034 Must I respond to inquiries from the board?, 4-30-036 What enforcement actions must be reported to the board?, 4-30-038 Fees, 4-30-082 How does a CPA-Inactive certificate holder apply for licensure?, 4-30-084 Converting license from an inactive to active status, 4-30-088 What is the effect on a Washington individual licensee or CPA-Inactive certificate holder in the armed forces, reserves, or National Guard if the individual receives orders to deploy for active military duty?, 4-30-094 How do I renew my individual license, CPA-Inactive certificate, or registration as a resident nonlicensee firm owner?, 4-30-104 How do I renew a Washington CPA-Inactive certificate and/or license granted through foreign reciprocity?, 4-30-120 I am a CPA-Inactive certificate holder—Prior to July 1, 2001, I held a license—How do I apply to return to my previous status as a licensee?, 4-30-122 If I retire my license or CPA-Inactive certificate, how do I apply to renew my license or CPA-Inactive certificate out of retirement?, 4-30-124 How do I reinstate a lapsed license, CPA-Inactive certificate, or registration as a resident nonlicensee firm owner?, 4-30-126 How do I reinstate a revoked or suspended license, CPA-Inactive certificate, or registration as a resident nonlicensee firm owner?, 4-30-134 Continuing professional education (CPE) requirements, 4-30-136 Reporting continuing professional education (CPE) to the board, and 4-30-142 What are the bases for the board to impose discipline?

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: On March 17, 2022, Governor Inslee signed into law SB 5519. SB 5519 amends existing laws to remove outdated references to certificate holders. The board of accountancy (board) has not issued such certificates since the early 2000s. SB 5519 allows for the remaining population of certificate holders to transition to a licensed but inactive status while affording such certificate holders the opportunity to become fully licensed. SB 5519 also creates this new inactive status which did not previously exist. This new licensed status provides an intermediate step bridging the gap between the licensee statuses of CPA and retired CPA. Because SB 5519 removes the certificate holder status and creates an inactive licensee status, board laws now align with other CPA jurisdictions. As a result, many board rules must be amended because "CPA-Inactive certificate holder" and "certificate" references are woven throughout the entirety of chapter 4-30 WAC, board rules. The proposed board rules also further refine the new licensed but inactive status and the processes associated with the new status. The proposed rule changes will ensure consistency with the law as enacted by SB 5519 and consistency with other CPA jurisdictions.

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 31, 2023
Michael J. Paquette, CPA
Executive Director

WSR 23-12-048

PREPROPOSAL STATEMENT OF INQUIRY

SECRETARY OF STATE

[Filed June 1, 2023, 10:14 a.m.]

Subject of Possible Rule Making: Updates to procedures for filing records with the office, found in chapter 434-120 WAC. Including, but not limited to, WAC 434-120-307.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 11.110, 19.09, 43.07 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Update rules to reflect changes in filing processes.

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 Constance Parbon, Office of the Secretary of State, P.O. Box 40234, Olympia, WA 98504, phone 360-725-0348, email Constance.Parbon@sos.wa.gov, website www.sos.wa.gov/corps.

June 1, 2023

Randy Bolerjack

Deputy Secretary of State

WSR 23-12-049
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY

[Filed June 1, 2023, 10:58 a.m.]

Subject of Possible Rule Making: WAC 182-504-0035 Washington apple health—Renewals; other related rules as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.021, 41.05.160.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The health care authority (agency) is amending WAC 182-504-0035 to allow for telephonic eligibility renewals. During this review, the agency may identify additional related changes that are required to improve clarity or update policy.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Brian Jensen, Rule-Making Questions, P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-0815, fax 360-586-9727, telecommunication[s] relay service (TRS) 711, email brian.jensen@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking; or Paige Lewis, Program Questions, P.O. Box 42722, Olympia, WA 98504-2722, phone 360-725-0757, fax 360-586-9727, TRS 711, email paige.lewis@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking.

June 1, 2023
Wendy Barcus
Rules Coordinator

**WSR 23-12-050
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH**

[Filed June 1, 2023, 11:49 a.m.]

This memo serves as notice that the department of health, examining board of psychology (board) is rescinding the preproposal statement of inquiry (CR-101) for WAC 246-924-043, 246-924-046, 246-924-047, 246-924-049, 246-924-053, 246-924-056, 246-924-059, 246-924-070, 246-924-100, and 246-924-495 in chapter 246-924 WAC, Psychologists, which was filed January 27, 2022, and published as WSR 22-04-055.

The board is rescinding this CR-101 because, through discussions internally and with interested parties, the board has determined that additional rules must be amended to fully address concerns of interested parties. For the sake of efficiency, the board will rescind WSR 22-04-055 and complete all necessary rule making under a new rule package. A new CR-101 was filed on February 23, 2023, as WSR 23-06-041.

Individuals requiring information on this rule should contact Nancy Delgado by email psychology@doh.wa.gov or phone 360-236-4951.

Tami M. Thompson
Regulatory Affairs Manager

WSR 23-12-055

PREPROPOSAL STATEMENT OF INQUIRY
EMPLOYMENT SECURITY DEPARTMENT

[Filed June 1, 2023, 3:18 p.m.]

Subject of Possible Rule Making: Public records procedures.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 42.56.100, 50.13.030, 50A.25.030, and 50B.04.170 provide authority for the agency to adopt rules regarding access to agency records. RCW 50.12.010, 50.12.040, and 50.13.030 provide the agency's general rule-making authority.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule making will review, and if appropriate, update the regulations governing the employment security department's public records processes, including how to submit a public records request and request a review of a response.

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 to 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: Permanent rule making.

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/>.

June 1, 2023

Dan Zeitlin

Employment Security Policy Director

WSR 23-12-062
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
[Filed June 2, 2023, 12:00 p.m.]

Subject of Possible Rule Making: The department of social and health services (DSHS) is planning to amend WAC 388-436-0050 Determining financial need and benefit amount for CEAP, 388-478-0020 Payment standards for TANF, SFA and RCA, 388-478-0027 What is the payment standard for pregnant women assistance (PWA)?, 388-478-0033 What are the payment standards for aged, blind, or disabled (ABD) cash assistance?, 388-478-0035 What are the maximum earned income limits for TANF, SFA, PWA, and RCA?, 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, 74.04.660, 74.08.090, and 74.08A.230.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Planned amendments will implement an eight percent payment standard increase (effective January 1, 2024) for the temporary assistance for needy families, state family assistance, refugee cash assistance, aged, blind, or disabled cash assistance, and pregnant women assistance programs, as approved via the 2024-2025 operating budget. amendments will also update net income limits and allowable benefit amounts for the consolidated emergency assistance program.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Sarah Garcia, P.O. Box 45470, Olympia, WA 98504-5470, phone 360-522-2214, fax 360-725-4905, email Sarah.Garcia@dshs.wa.gov.

June 2, 2023
Katherine I. Vasquez
Rules Coordinator

WSR 23-12-066
PREPROPOSAL STATEMENT OF INQUIRY
NOXIOUS WEED
CONTROL BOARD

[Filed June 5, 2023, 1:07 p.m.]

Subject of Possible Rule Making: Chapter 16-750 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 17.10.010, 17.10.070, 17.10.080, and 17.10.350.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The state noxious weed control board (NWCB) is charged with updating the state noxious weed list on an annual basis to ensure it accurately reflects the noxious weed control priorities and noxious weed distribution, as well as updating its bylaws that are codified in chapter 16-750 WAC. NWCB may also consider other updates to chapter 16-750 WAC.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No other state agency regulates this subject. Federal agencies are subject to federal noxious weed laws that require them to coordinate with state regulations. Federal agencies in Washington are invited to participate in all stages of noxious weed rule making.

Process for Developing New Rule: NWCB will meet at least twice to discuss proposed changes to chapter 16-750 WAC prior to making any recommendations. Any proposed changes recommended by NWCB will be published and widely distributed to newspapers and electronically per the NWCB website and email lists. A public hearing is scheduled and a press release and information regarding the proposed changes are widely distributed to newspapers.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Mary Fee, 1111 Washington Street S.E., phone 360-902-2053, fax 360-902-2094, TTY 800-833-6388, email mfee@agr.wa.gov, website www.nwcb.wa.gov.

June 5, 2023
Mary Fee
Executive Secretary

WSR 23-12-076
PREPROPOSAL STATEMENT OF INQUIRY
WASHINGTON STATE PATROL
[Filed June 6, 2023, 11:55 a.m.]

Subject of Possible Rule Making: New chapter 446-09 WAC, Firearms background check.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.43.580.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Under the Brady Handgun Violence Prevention Act of 1993 and RCW 43.43.580(5), any person denied the transfer of a firearm based on the results of a firearms background check has the right to appeal that denial. This request for rule-making authority is to allow the Washington state patrol (WSP) firearms background division to develop and promulgate those rules necessary to meet the requirements of the Brady Act, and to operate the centralized firearms background check program established under RCW 43.43.580.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Washington state attorney general's office, FBI National Instant Criminal Background Check System.

Process for Developing New Rule: 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. 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, 106 11th Avenue S.W., Olympia, WA, phone 360-596-4017, email wsprules@wsp.wa.gov, website wsp.wa.gov/rules-development/.

June 6, 2023
John R. Batiste
Chief

WSR 23-12-080
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed June 6, 2023, 1:45 p.m.]

Subject of Possible Rule Making: Factory assembled structures (FAS) rules: WAC 296-150C-3000 Commercial coach fees, 296-150F-3000 Factory-built housing and commercial structure fees, 296-150I-3000 Penalties, fees, and refunds, 296-150M-3000 Manufactured/mobile home fees, 296-150P-3000 Recreational park trailer fees, 296-150R-3000 Recreational vehicle fees, 296-150T-3000 Factory-built temporary worker housing fees, and 296-150V-3000 Conversion vendor units and medical units—Fees.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 43.22 and 43.22A RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department of labor and industries (L&I) is considering increasing fees by the fiscal growth factor for FAS to cover increased operating costs and new technology improvements for the FAS program. The current fee levels are insufficient to cover current program expenses. The fee increase is necessary to ensure that revenues match expenditures, otherwise service levels may need to be reduced.

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 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 Division, 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/manufactured-modular-mobile-structures/laws-rules#rule-development>.

June 6, 2023
Joel Sacks
Director

**WSR 23-12-081
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
INDETERMINATE SENTENCE
REVIEW BOARD**

[Filed June 6, 2023, 2:49 p.m.]

The indeterminate sentence review board (ISRB) is withdrawing a previously filed CR-101, WSR 22-22-055, which was indicating that ISRB was going to modify chapters 381-90 and 381-100 WAC. ISRB will modify these WAC chapters utilizing its exemption to the Administrative Procedure Act outlined in RCW 34.05.030 (1)(c).

Corey McNally M.S., LMHC
Executive Director

WSR 23-12-083
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF REVENUE

[Filed June 6, 2023, 4:34 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 indicate 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 uses the watercraft depreciation schedule to bill and collect the watercraft excise tax from registered watercraft owners. The department uses data from department of licensing 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 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, website dor.wa.gov.

Additional comments: Written comments may be submitted to Ryan Becklean using one of the contact methods above. Written and oral comments will be accepted at the public meeting on Tuesday, July 18, 2023, at 10:00 a.m., telephonic/internet meeting only. Contact Cathy Holder at CathyH@dor.wa.gov for dial-in/login information.

June 6, 2023
Atif Aziz
Rules Coordinator

WSR 23-12-085

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF REVENUE

[Filed June 6, 2023, 4:36 p.m.]

Subject of Possible Rule Making: Chapter 82.87 RCW, Excise tax on capital gains.

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: Effective January 1, 2022, chapter 82.87 RCW imposes an excise tax on sales or exchanges of long-term capital assets. This rule making will seek to provide clarifying information, such as definitions, and additional information on exemptions, deductions, and allocation of gains.

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 public hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Michael Hwang, 6400 Linderson Way S.W., P.O. Box 47453, Tumwater, WA 98504, phone 360-534-1575, email MichaelHw@dor.wa.gov, website dor.wa.gov.

Additional comments: The department plans to share a preliminary rule draft before the public meeting. Written comments may be submitted to Michael Hwang using one of the contact methods above. Meeting on Wednesday, July 12, 2023, at 10:00 a.m., telephonic/internet meeting only. Contact CathyH@dor.wa.gov for dial-in/login information.

June 6, 2023

Atif Aziz

Rules Coordinator

WSR 23-12-087

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF TRANSPORTATION

[Filed June 6, 2023, 4:48 p.m.]

Subject of Possible Rule Making: WAC 468-38-435 Federal weight increases on the interstate system.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.44.093, 46.44.0941, and 46.44.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The proposal for this rule change is to align Washington with the Fixing America's Surface Transportation Act (FAST Act). The FAST Act allows 2,000 lbs. for electric battery vehicles not to exceed 82,000 lbs. Additionally, this rule change will consider a vehicle carrying fluid milk products a load that cannot be easily dismantled or divided (nondivisible).

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

Process for Developing New Rule: Federal law changed with the FAST Act; Washington state is adopting rules to be consistent with federal regulations.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Scott Zeller, P.O. Box 47367, Olympia, WA 98504-7367, phone 360-705-7290, fax 360-704-6391, email ZellersS@wsdot.wa.gov, website www.wsdot.wa.gov/commercialvehicle; or Justin Heryford, P.O. Box 47367, Olympia, WA 98504-7367, phone 360-705-7987, fax 360-704-6391, email heryfoj@wsdot.wa.gov, website www.wsdot.wa.gov/commercialvehicle.

June 6, 2023

Sam Wilson

Director of Risk Management and Legal Services

WSR 23-12-089

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF HEALTH

[Filed June 6, 2023, 4:55 p.m.]

Subject of Possible Rule Making: Chapter 246-562 WAC, Physician visa waivers. The department of health (department) is considering amending rules regarding J-1 physician visa waivers and establishing an application fee for the J-1 visa waiver applications. The department is considering changing these rules to help meet the greatest needs across Washington state. The department is considering amending the application, requirements for letters of support, and establishing an application fee for J-1 visa waivers.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70.185.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rules in chapter 246-562 WAC were last revised in 2016. The department uses these rules to help determine which physicians are eligible for the J-1 physician visa waiver program, and which sites can employ these physicians. The department is considering amending rules pertaining to the J-1 visa waiver requirements and process for physicians to benefit health systems with the greatest need. The J-1 visa waiver program has become increasingly competitive, and the department wants to work with interested parties to consider changing the criteria for J-1 visa waiver applicants, revise the deadlines for receiving applications, and create scoring methodology for reviewing applications to meet the areas of greatest need. The rule changes will also address the criteria for providing letters of support for the United States Health and Human Services' Waiver Program and the National Interest Waiver Program. Lastly, the department is considering establishing an application fee to cover the costs of administration of the program.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The United States Department of State and United States Citizenship and Immigration Services conduct final review and final approval of J-1 visa waivers. If applications meet the minimum federal standards, states are given leeway to administer the programs to meet the greatest need.

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 Kelly Shaw, P.O. Box 47856, Olympia, WA 98504-7856, phone 360-480-8693, TTY 711, email J1VisaWaiver@doh.wa.gov, website <https://doh.wa.gov/public-health-healthcare-providers/rural-health/workforce-recruitment-and-retention>.

Additional comments: Interested parties should visit the website to join the distribution list for rule-making notifications.

June 6, 2023
Kristin Peterson, JD
Chief of Policy
for Umair A. Shah, MD, MPH
Secretary

WSR 23-12-119

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF LICENSING

[Filed June 7, 2023, 11:23 a.m.]

Subject of Possible Rule Making: WAC 308-96A-560 Special license plates—Criteria for creation or continued issuance.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.18.200 Department-approved plate types and 46.01.110 Rule-making authority.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Amendments to WAC 308-96A-560 will clarify standard specialty plate design guidelines to have the jurisdiction at the top of plate.

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 98501, phone 360-902-0131, email rulescoordinator@dol.wa.gov, website dol.wa.gov/about/rules; or Chante Vernie, 1125 Washington Street S.E. Olympia, WA 98501, phone 360-902-3937, email chante.vernie@dol.wa.gov.

June 7, 2023

Ellis Starrett

Rules and Policy Manager