

WSR 20-03-007
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
VETERANS AFFAIRS

[Filed January 3, 2020, 1:32 p.m.]

January 3, 2020
Heidi Audette
Communications and
Legislative Director

Subject of Possible Rule Making: Public disclosure process including statement of costs.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 42.56.040, [42.56.]070, [42.56.]090, [42.56.]120.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: RCW 42.56.040 requires agencies to publish procedures in the Washington Administrative Code. RCW 42.56.070 allows agencies to adopt statements of costs only after providing notice and public hearing.

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: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Heidi Audette, P.O. Box 41150, Olympia, WA 98504, phone 360-725-2154, fax 360-725-2197, TTY 360-725-2199, email heidia@dva.wa.gov, website https://www.dva.wa.gov/about-wdva/washington-administrative-codes-wacs.

January 3, 2020
Heidi Audette
Communications and
Legislative Director

WSR 20-03-010
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
VETERANS AFFAIRS

[Filed January 3, 2020, 3:21 p.m.]

Subject of Possible Rule Making: Veterans estate management program, chapter 484-40 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.60A.70 [43.60A.070], other references are RCW 43.60A.70 [43.60A.070], 73.04.130.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: General updates to language for clarity and updates to maximum estate size of beneficiaries.

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: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Heidi Audette, P.O. Box 41150, Olympia, WA 98504, phone 360-725-2154, fax 360-725-2197, TTY 360-725-2199, email heidia@dva.wa.gov, website https://www.dva.wa.gov/about-wdva/washington-administrative-codes-wacs.

WSR 20-03-011
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
VETERANS AFFAIRS

[Filed January 3, 2020, 3:38 p.m.]

Subject of Possible Rule Making: WAC 484-10-010 State veterans institutions.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.60A.070, 72.36.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: General updates to language from superintendent to administrator and removing provision allowing a superintendent in training to be hired.

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: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Heidi Audette, P.O. Box 41150, Olympia, WA 98504, phone 360-725-2154, fax 360-725-2197, TTY 360-725-2199, email heidia@dva.wa.gov, website https://www.dva.wa.gov/about-wdva/washington-administrative-codes-wacs.

January 3, 2020
Heidi Audette
Communications and
Legislative Director

WSR 20-03-020
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH
(Pharmacy Quality Assurance Commission)

[Filed January 6, 2020, 1:34 p.m.]

Subject of Possible Rule Making: Chapter 246-945 WAC, Pharmacy quality assurance commission (commission). The commission is considering adopting a new section of rule creating criteria for a waiver for the electronic prescribing mandate as required by SSB 5380 (section 16, chapter 314, Laws of 2019).

Statutes Authorizing the Agency to Adopt Rules on this Subject: SSB 5380 (section 16, chapter 314, Laws of 2019).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rules may be necessary to allow for a waiver from compliance with the direction given by the legislature in SSB 5380, which mandates all controlled substances be electronically prescribed beginning January 1, 2021. The bill directed the department of health (department) to develop a waiver process in which a practitioner can apply

if they have an economic hardship, technological limitation, or other exceptional circumstance that prevents them coming [from] complying with the mandate.

The commission will consider rules that will accomplish the legislative directive by providing practitioners with the necessary criteria to request a waiver from the electronic prescribing mandate using the department's process.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Washington medical commission, nursing care quality assurance commission, as well as the board of osteopathic medicine and surgery, dental quality assurance commission, podiatric medical board, board of optometry, and the board of naturopathy.

Commission staff will work with the program managers of these boards and commissions to ensure that their members and stakeholders are able to participate in the discussion and kept apprised of the rules.

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 Caitlin Gates, P.O. Box 47990, Olympia, WA 98504, phone 360-236-2932, TTY 360-833-6388 or 711, email pharmacyrules@doh.wa.gov.

Additional comments: To receive updates please sign up for our GovDelivery at <https://public.govdelivery.com/accounts/WADOH/subscriber/new>.

January 6, 2020

Tim Lynch, Chair

Pharmacy Quality Assurance Commission

WSR 20-03-022

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF ECOLOGY

[Order 19-09—Filed January 6, 2020, 1:47 p.m.]

Subject of Possible Rule Making: Ecology is starting a rule making to amend chapter 173-185 WAC, Oil movement by rail and pipeline notification. This chapter establishes reporting standards for facilities that receive crude oil by rail and pipelines that transport crude oil through the state. The rule also describes reporting standards for ecology to share information with tribes, emergency responders, local governments, and the public.

The rule making will implement ESHB 1578 and ESSB 5579, both passed in 2019 and codified in RCW 90.56.565 and 90.56.580.

This rule making will:

- Expand advance notice reporting requirements for facilities that receive crude oil by rail to include type and vapor pressure of crude oil.
- Expand biennial notice requirements for pipelines that transport crude oil through the state to include gravity and type of crude oil.
- Describe how required information will be provided to the utilities and transportation commission (UTC).

- Incorporate statutory limits on the vapor pressure of crude oil that can be loaded or unloaded into or from a rail tank car by facilities that receive crude oil by rail, and establish other requirements necessary to implement and enforce these limits.
- Make other changes to clarify language and make any corrections needed.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 90.56 RCW; RCW 90.56.005, 90.56.050, 90.56.565.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In 2016, ecology adopted chapter 173-185 WAC to enhance crude oil spill preparedness and response in Washington state. The rule established reporting standards for facilities that receive crude oil by rail and pipelines that transport crude oil through the state. Additionally, the rule describes reporting standards for ecology to share information with tribes, emergency responders, local governments, and the public. The rule was adopted as a result of 2015 legislative direction to provide a better understanding of the changing risk picture for crude oil transported by rail and pipeline in Washington state. The rule supports our understanding of the risks associated with changes in both the volume and properties of crude oil moving through Washington.

Timely notice of crude oil movement information is necessary for emergency responders and planners to effectively prepare for and respond to oil spills and other incidents associated with transporting crude oil by rail and pipeline. Providing adequate information about the dates, routes, and properties of crude oil can help protect people living and working near railroads and pipelines, the economy, and the environment.

Rule amendments are needed to incorporate statutory changes made in the 2019 legislative session. Through ESHB 1578 and ESSB 5579, the legislature expanded reporting requirements for regulated facilities, pipelines, and ecology, and placed statutory limits on the vapor pressure of crude oil that can be loaded or unloaded into or from a rail tank car by facilities that receive crude oil by rail.

Expanded reporting requirements will help ecology and other emergency responders understand the crude oil movement picture statewide, and to better assess potential impacts of crude oil movement by rail and pipeline. The additional data can help ecology and emergency response agencies determine the need for additional prevention and preparedness measures.

Statutory limits on the vapor pressure of crude oil that facilities can load into or unload from a rail tank car addresses rail transportation safety, public safety, and environmental protection of the communities that crude oil is transported through.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Federal and state agencies that regulate facilities and pipelines that transport or handle oil in bulk include: United States Coast Guard, Environmental Protection Agency, United States Department of Transportation (Pipeline and Hazardous Materials Safety Administration and Federal Railroad Administration), Washington UTC, Oregon Department

of Environmental Quality, California Department of Fish and Wildlife Office of Spill Prevention and Response, Alaska Department of Environmental Conservation Spill Prevention and Response, and Idaho Department of Environmental Quality. Ecology will notify and solicit input from these federal and state agencies, and other stakeholders throughout this rule-making process.

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 Kim Morley, Department of Ecology, Spill Prevention, Preparedness, and Response Program, P.O. Box 47600, Olympia, WA 98504, phone 360-701-2398, fax not applicable, people with speech disability may call TTY at 877-833-6341, people with impaired hearing may call Washington relay service at 711, email kim.morley@ecy.wa.gov, website <https://ecology.wa.gov/Regulations-Permits/Laws-rules-rulemaking/Rulemaking/WAC-173-185>, for updates about this rule making join our listserv SPILLS-PROGRAM@LISTSERV.WA.GOV.

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 consultation with tribal governments during each phase of rule development.

January 6, 2020
Dale Jensen, Program Manager
Spill Prevention,
Preparedness, and Response

WSR 20-03-027

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LICENSING

[Filed January 7, 2020, 7:39 a.m.]

Subject of Possible Rule Making: Chapter 308-125 WAC, Real estate appraisers.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.140.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Reasons why rules on this subject may be needed and what they might accomplish: Rule changes are necessary to update the WAC to incorporate changes required by ESSB 5480 to establish an inactive status, establish rules for inactive status, and establish rules for reactivation process for real estate appraisers. ESSB 5480 is effective September 1, 2020, and was passed by the 2019 legislature which requires the ability for an appraiser license to go inactive and the department of licensing to establish rules to clarify inactive status and reactivation processes.

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

Process for Developing New Rule: Department staff will converse with interested stakeholders on proposed amendments. Stakeholders will have the opportunity to discuss at

public meetings, provide written comments and can provide testimony at the public meeting.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Dee Sharp, Department of Licensing, Business and Professions Division, Real Estate Appraiser Program, P.O. Box 9021, Olympia, WA 98507-9021, phone 360-664-6504, fax 360-586-0998, TTY 711, email reappraisers@dol.wa.gov, website www.dol.wa.gov.

January 7, 2020
Damon Monroe
Rules Coordinator

WSR 20-03-032

WITHDRAWAL OF PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LICENSING

[Filed January 7, 2020, 8:29 a.m.]

The department of licensing, programs and services division, driver and vehicle records program requests the withdrawal of the preproposal statement of inquiry for WAC 308-96A-545 Gold Star license plates, filed with the office of the code reviser as WSR 19-21-122 on October 18, 2019.

This document serves as the official notification of our rule withdrawal.

Damon Monroe
Rules Coordinator

WSR 20-03-035

PREPROPOSAL STATEMENT OF INQUIRY EASTERN WASHINGTON UNIVERSITY

[Filed January 7, 2020, 4:37 p.m.]

Subject of Possible Rule Making: Chapter 172-100 WAC, Traffic and parking rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.35.120(12).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Revisions are needed to update rules to address mobile payment and immobilization options.

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 Joseph Fuxa, 211A Tawanka Hall, Eastern Washington University, Cheney, WA 99004, phone 509-359-7496, fax 509-359-2874, email jfuxa@ewu.edu, website <https://inside.ewu.edu/policies/>.

January 7, 2020
Joseph Fuxa
Policy and Compliance Manager

WSR 20-03-038
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH

[Filed January 8, 2020, 8:43 a.m.]

Subject of Possible Rule Making: WAC 246-470-XXX adding a new section relating to the prescription monitoring program (PMP). The department of health (department) is proposing a new section in chapter 246-470 WAC to establish a waiver process and criteria for facilities, entities, offices, or provider groups with ten or more prescribers to apply for an exemption from the PMP and electronic health record (EHR) integration required by SSB 5380.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70.225.090 (2)(b).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: RCW 70.225.090 (2)(a) requires most facilities, entities, offices, or provider groups with ten or more prescribers to demonstrate the ability to fully integrate their EHR system with the PMP.

RCW 70.225.090 (2)(b) requires the department to develop a waiver process to follow for those facilities, entities, offices, or provider groups with ten or more prescribers to request a waiver from the integration requirement in RCW 70.225.090 (2)(a) due to economic hardship, technological limitations that are not reasonably in the control of the facility, entity, office, or provider group, or other exceptional circumstance demonstrated by the facility, entity, office, or provider group.

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 Carly Bartz-Overman, P.O. Box 47852, Olympia, WA 98504, phone 360-236-3044, TTY 360-833-6388 or 711, email carly.bartz-overman@doh.wa.gov.

Additional comments: You may subscribe to the Washington state PMP GovDelivery listserv to receive updates at <https://public.govdelivery.com/accounts/WADOH/subscribe/r/new>.

January 3, 2020
 John Wiesman DrPH, MPH
 Secretary

WSR 20-03-055
PREPROPOSAL STATEMENT OF INQUIRY
WASHINGTON STATE LOTTERY

[Filed January 9, 2020, 12:25 p.m.]

Subject of Possible Rule Making: Chapter 315-04 WAC, Licensing procedure, Washington's lottery is considering amending this chapter in order to provide clarity for applicants and licensees, streamline processes, and align rule language with current practices.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 67.70.040 (1), (3).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The existing language has not been updated for eight or more years and may not align with current agency practices and/or industry best practices. The lottery is considering amendments to this chapter in order to provide clear and consistent direction for applicants, licensees, and staff.

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

Process for Developing New Rule: The agency will use a collaborative rule-making process to develop the proposed rule. The lottery will post the draft rule on the agency's website and notify interested parties of the opportunity to provide informal comments. Staff will evaluate comments in coordination with the lottery commission and edit the draft rule consistent with the intent of this rule making prior to proposing the rule for adoption. The proposed rule will be shared with interested parties via the agency's website. Formal comments will be taken in writing during the formal comment period and in person at the public hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kristi Weeks, P.O. Box 4300, Olympia, WA 98504-3000, phone 360-810-2881, fax 360-515-0416, email KWeeks@walottery.com, website www.walottery.com.

January 9, 2020
 Kristi Weeks
 Director of Legal Services

WSR 20-03-062
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE

[Filed January 9, 2020, 4:02 p.m.]

Subject of Possible Rule Making: The department is considering amending current Puget Sound commercial fishing rules resulting from stakeholder recommendations made during North of Falcon meetings.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.04.012, 77.04.020, 77.04.055, 77.12.045, and 77.12.047.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Puget Sound commercial salmon fishing rules are based on North of Falcon recommendations that change from year to year to reflect resource availability and to achieve conservation goals. Rule amendments to Puget Sound commercial salmon fishing rules are needed to implement the agreed-upon changes.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: NOAA Fisheries and the National Marine Fisheries Service. These agencies, as well as the Washington department of fish and wildlife (WDFW), the Pacific Fisheries Management Council, and the Pacific Salmon Commission, all pro-

vide input and/or take part in the North of Falcon meetings and recommendations.

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 WDFW Rules Coordinator, P.O. Box 43152, Olympia, WA 98501, phone 360-902-2861, fax 360-902-2162, email Rules.Coordinator@dfw.wa.gov, website wdfw.wa.gov.

January 9, 2020
Jacalyn M. Hursey
Rules Coordinator

WSR 20-03-064

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF FISH AND WILDLIFE

[Filed January 9, 2020, 4:03 p.m.]

Subject of Possible Rule Making: Amendments to Washington department of fish and wildlife's (WDFW) coastal commercial salmon fishing rules, resulting from North of Falcon recommendations.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.04.012, 77.04.020, 77.04.055, 77.12.045, and 77.12.047.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Coastal commercial salmon fishing rules are based on North of Falcon recommendations that change from year to year to reflect resource availability and to achieve conservation goals. Amendments to coastal commercial salmon fishing rules are needed to implement the agreed-upon changes.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: NOAA Fisheries and the National Marine Fisheries Service. These agencies, as well as WDFW, the Pacific Fisheries Management Council, and the Pacific Salmon Commission, all provide input and take part in the North of Falcon meetings and recommendations.

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 Barbara McClellan, 48 Devonshire Road, Montesano, WA 98563, phone 360-249-1213, fax 360-249-1229, email Barbara.McClellan@dfw.wa.gov.

Additional comments: Contact by April 10, 2020. Expected proposal filing on or after April 20, 2020.

January 9, 2020
Jacalyn M. Hursey
Rules Coordinator

WSR 20-03-067

PREPROPOSAL STATEMENT OF INQUIRY EMPLOYMENT SECURITY DEPARTMENT

[Filed January 9, 2020, 5:40 p.m.]

Subject of Possible Rule Making: Continuing to implement the paid family and medical leave (PFML) program (Title 50A RCW) requires updating existing rules and promulgating new rules to ensure clarity and make necessary changes as we discover programmatic needs. This preproposal statement of inquiry includes, but is not limited to, updating the definition of "claim year," and adding a definition for "sibling."

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 50A.04.215.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule making focuses on definitions for the PFML program.

The existing definition of a "claim year" in rule is being revisited as part of this rule making. The department will consider whether the current definition could result in an employee claiming more leave than the law intends and what possible alternative definitions may better suit the needs of the program as established in Title 50A RCW.

Statute does not define "sibling," even though it defines many other familial connections. Without this definition, it is unclear when an individual in a sibling relationship may take leave under the program. Therefore, this rule making will define "sibling" for PFML.

The department recognizes the need for clear and usable guidance for ongoing programmatic operations. These rules will contribute to that guidance.

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 this program as it is a new state entitlement with authority granted solely to the employment security department.

Process for Developing New Rule: 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 April Amundson, 640 Woodland Square Loop S.E., Lacey, WA 98503 [98503], phone 360-485-2816, TTY Teresa Eckstein, State EO Officer, 771 [711] or 360-902-9354, email Rules@esd.wa.gov.

January 9, 2020
April Amundson
Policy and Rules Manager for
Paid Family and Medical Leave

WSR 20-03-068**PREPROPOSAL STATEMENT OF INQUIRY
EMPLOYMENT SECURITY DEPARTMENT**

[Filed January 9, 2020, 5:44 p.m.]

Subject of Possible Rule Making: Continuing to implement the paid family and medical leave (PFML) program (Title 50A RCW) requires updating existing rules and promulgating new rules to ensure clarity and make necessary changes as we discover programmatic needs. This rule making will address how employers are notified by the department that an employee has been approved or denied for PFML benefits and other related topics.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 50A.04.215.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Employers need to know when an employee is approved to use the PFML program. This information helps employers plan business needs and provide job protection to the employee if required. Existing rule could be seen as requiring the department to provide employers who are interested parties with a copy of the determination the agency issues related to an applicant's initial claim for benefits. This rule is being revisited to balance the privacy needs of claimants with employers' need to have enough information to successfully conduct business.

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 this program as it is a new state entitlement with authority granted solely to the employment security department.

Process for Developing New Rule: 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 April Amundson, 640 Woodland Square Loop S.E., Lacey, WA 68503 [98503], phone 360-485-2816, TTY Teresa Eckstein, State EO Officer, 771 [711] or 360-902-9354, email Rules@esd.wa.gov.

January 9, 2020
April Amundson
Policy and Rules Manager for
Paid Family and Medical Leave

WSR 20-03-069**PREPROPOSAL STATEMENT OF INQUIRY
EMPLOYMENT SECURITY DEPARTMENT**

[Filed January 9, 2020, 5:44 p.m.]

Subject of Possible Rule Making: Continuing to implement the paid family and medical leave (PFML) program (Title 50A RCW) requires updating existing rules and promulgating new rules to ensure clarity and make necessary changes as we discover programmatic needs. This rule making will address whether a deceased employee's estate or designated representative can claim benefits on behalf of the

deceased employee, how those benefits could be claimed, and other related topics.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 50A.04.215.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Because PFML benefits must be claimed at the end of a week for leave taken earlier in the week, it is possible an eligible employee who has taken leave could become deceased before claiming the leave taken. In such situations, the department must determine whether and how the decedent's estate could claim those earned benefits on the decedent's behalf.

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 this program as it is a new state entitlement with authority granted solely to the employment security department.

Process for Developing New Rule: 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 April Amundson, 640 Woodland Square Loop S.E., Lacey, WA 68503 [98503], phone 360-485-2816, TTY Teresa Eckstein, State EO Officer, 771 [711] or 360-902-9354, email Rules@esd.wa.gov.

January 9, 2020
April Amundson
Policy and Rules Manager for
Paid Family and Medical Leave

WSR 20-03-078**PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY**

[Filed January 10, 2020, 4:11 p.m.]

Subject of Possible Rule Making: New chapter 182-51 WAC, Washington prescription drug price transparency program.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.021, 41.05.160, 43.71C.110, and ESSHB [E2SHB] 1224, chapter 334, Laws of 2019.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To implement the Washington prescription drug price transparency program as required under chapter 43.71C RCW.

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

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jason Crabbe (Rule Writer), P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-9563, fax 360-586-9727, telecommunication relay services (TRS) 711, email jason.crabbe@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking; or Annette Schuffenhauer (Program Questions), P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-1254, fax 360-586-9727, TRS 711, email annette.schuffenhauer@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking.

January 10, 2020
Wendy Barcus
Rules Coordinator

WSR 20-03-080
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
HORSE RACING COMMISSION

[Filed January 13, 2020, 9:45 a.m.]

The Washington horse racing commission would like to withdraw from publication our preproposal of inquiry (CR-101), WSR 19-21-097, filed on October 16, 2019.

Contact Douglas Moore if you have any questions.

Douglas L. Moore
Executive Secretary

WSR 20-03-092
PREPROPOSAL STATEMENT OF INQUIRY
OFFICE OF THE
INSURANCE COMMISSIONER

[Insurance Commissioner Matter R 2020-01—Filed January 13, 2020, 1:39 p.m.]

Subject of Possible Rule Making: Amend WAC 284-33-030 to increase the allowable amount for risk reduction goods and services.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.02.060 (3)(a), 48.18.559(2).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The commissioner is considering raising the allowable amount an insurer can provide its insured over a twelve month aggregate period for risk mitigation goods and services to further encourage insurance companies [to] assist their insureds in reducing claim frequency and severity.

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

Process for Developing New Rule: Submit written comments by March 6, 2020.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting David Forte, 302 Sid Snyder Avenue S.W., Olympia, WA 98504, phone 360-725-7042, fax 360-

586-3109, TTY 360-586-0241, email rulescoordinator@oic.wa.gov, website www.insurance.wa.gov.

January 13, 2020
Mike Kreidler
Insurance Commissioner

WSR 20-03-094
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY

[Filed January 13, 2020, 2:16 p.m.]

Subject of Possible Rule Making: WAC 182-543-3200 Covered—Positioning devices, and other related rules as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.021, 41.05.160, 46.61.687.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The agency is amending this section to (1) reflect new standing frame coverage policy for children age twenty and younger; and (2) align with recent updates to RCW 46.61.687, regarding child restraint system requirements. During the course of this review, the agency may identify additional related changes that are required in order to improve clarity or update policy.

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

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Michael Williams, P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-1346, fax 360-586-9727, telecommunication relay services (TRS) 711, email michael.williams@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking; or Erin Mayo, P.O. Box 45506, Olympia, WA 98504-2716, phone 360-725-1729, fax 360-586-9727, TRS 711, email erin.mayo@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking.

January 13, 2020
Wendy Barcus
Rules Coordinator

WSR 20-03-100
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY

[Filed January 14, 2020, 2:07 p.m.]

The health care authority requests withdrawal of the preproposal statement of inquiry filed as WSR 19-07-012, dis-

tributed in the 19-07 State Register, regarding WAC 182-543-0500, 182-543-2000, and 182-543-5700.

and Secretary

Wendy L. Barcus
Rules Coordinator

WSR 20-03-107

**PREPROPOSAL STATEMENT OF INQUIRY
UTILITIES AND TRANSPORTATION
COMMISSION**

[Filed January 15, 2020, 11:54 a.m.]

Subject of Possible Rule Making: In Docket UE-191023, the Washington utilities and transportation commission (commission) has initiated this rule making to develop rules for implementing chapter 19.405 RCW, statutory revisions to RCW 80.84.010, and additions to chapter 80.28 RCW, as enacted in E2SSB 5116, the Clean Energy Transformation Act. The commission will also consider revisions to the commission basis reporting rules in WAC 480-100-257 to the extent necessary to implement RCW 19.405.060.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 80.01.040, 80.04.160, and chapter 19.405 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: E2SSB 5116 both requires and allows the commission to adopt rules to ensure the proper implementation and enforcement of the statute, but the commission must adopt certain rules by January 1, 2021. RCW 19.405.060(5) mandates that the commission and the department of commerce (commerce) adopt rules establishing the methodology for calculating the incremental cost of compliance with this law. RCW 19.405.100 allows the commission to develop rules to implement the chapter. The commission must also consider modifications to its commission basis reporting rules in WAC 480-100-257 because the incremental cost calculation, as described in RCW 19.405.060, is base[d] on these utility reports.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Commerce must develop rules for consumer-owned utilities to meet the pertinent requirements as set forth in E2SSB 5116. The commission and commerce are coordinating their processes for implementing the requirements in E2SSB 5116.

Process for Developing New Rule: The commission uses a collaborative rule-making process that includes stakeholder workshops, formal comments, and draft rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Mark L. Johnson, Washington Utilities and Transportation Commission, P.O. Box 47250, Olympia, WA 98504-7250, phone 360-664-1234, TTY 711 or 1-800-833-6384, email records@utc.wa.gov/e-filing, website www.utc.wa.gov/e-filing.

January 15, 2020
Mark L. Johnson
Executive Director

WSR 20-03-109

**PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY**

[Filed January 15, 2020, 1:30 p.m.]

Subject of Possible Rule Making: WAC 182-506-0015 Medical assistance units for non-MAGI-based Washington apple health programs; and 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 agency is amending these rules to include resource standard requirements. The agency also plans to add a new subsection that identifies rules used to determine the allocation of resources. During the course of this review, the agency may identify additional related changes that are required in order to improve clarity or update policy.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The department of social and health services.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Melinda Froud (Rule Writer), P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-1408, fax 360-586-9727, telecommunication relay services (TRS) 711, email melinda.froud@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking; or Stephen Kozak (Program Questions), P.O. Box 45534, Olympia, WA 98504-5534, phone 360-725-1343, fax 360-664-2186, TRS 711, email stephen.kozak@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking.

January 15, 2020
Wendy Barcus
Rules Coordinator

WSR 20-03-124

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Aging and Long-Term Support Administration)**

[Filed January 17, 2020, 10:11 a.m.]

Subject of Possible Rule Making: The department is planning to amend WAC 388-106-0715 How do I end my enrollment in the PACE program?, and other related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Statutes authorizing the agency to adopt rules on this subject: RCW 74.08.090, 74.09.520, 74.39A.010, 74.39A.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is planning to amend WAC 388-106-0715 to provide PACE clients, PACE organizations, and other stakeholders information about how clients can end their enrollment in the PACE program. This rule making will give guidance [on] how to disenroll and the specific timelines.

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

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Angel Sullivan, P.O. Box 45600, Olympia, WA 98504-5600, phone 360-725-2495, fax 360-438-8633, TTY 1-800-833-6388, email angel.sullivan@dshs.wa.gov.

January 16, 2020
Katherine I. Vasquez
Rules Coordinator

WSR 20-03-127

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF FISH AND WILDLIFE

[Filed January 17, 2020, 11:24 a.m.]

Subject of Possible Rule Making: The department is considering amending current recreational fishing rules resulting from stakeholder recommendations made during the North of Falcon process.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.04.012, 77.04.020, 77.04.055, 77.12.045, and 77.12.047.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The recreational fishing rules based on North of Falcon recommendations change from year to year to reflect resource availability and to achieve conservation goals. Amendments to recreational fishing rules are needed to implement the agreed-upon changes.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: There are several other agencies involved in this rule making in association with the Pacific Fisheries Management Council season setting process including the National Oceanic and Atmospheric Agency (NOAA) Fisheries division (National Marine Fisheries Service). These agencies, as well

as the Washington department of fish and wildlife, all provide input and/or take part in the PFMC/North of Falcon season setting meeting.

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 Rules Coordinator, P.O. Box 43200, Olympia, WA 98501-3200, phone 360-902-2403, fax 360-902-2155, email Rules.Coordinator@dfw.wa.gov.

January 17, 2020
Jacalyn M. Hursey
Rules Coordinator

WSR 20-03-151

PREPROPOSAL STATEMENT OF INQUIRY SUPERINTENDENT OF PUBLIC INSTRUCTION

[Filed January 21, 2020, 10:26 a.m.]

Subject of Possible Rule Making: Chapters 392-172A and 392-173 WAC; WAC 392-140-601 through 392-140-685.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.155.090; 20 U.S.C. § 1400 et seq.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The office of the superintendent of public instruction (OSPI) has the authority under state statute to develop administrative rules to implement federal statutes and state regulations governing special education services to students. OSPI is considering amending and/or adding new sections to current special education rules to: (1) Address changes to federal law and requirements; (2) clarify existing requirements under current state law that impact the free appropriate public education (FAPE) of students eligible for special education services, including new requirements under ESHB 1130 (2019); and (3) make housekeeping changes to correct typographical errors, reorganize WAC for ease of reference, and make other rule changes that are technical in nature.

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

Process for Developing New Rule: OSPI will hold at least two public hearings for comment and seek written input from stakeholders throughout the process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Glenna Gallo, OSPI, P.O. Box 47200, Olympia, WA 98504, phone 360-725-6075, fax 360-586-0247, TTY 360-586-0126, email Glenna.gallo@k12.wa.us, website www.k12.wa.us.

January 21, 2020
Chris P. S. Reykdal
State Superintendent
of Public Instruction

WSR 20-03-152**PREPROPOSAL STATEMENT OF INQUIRY
EMPLOYMENT SECURITY DEPARTMENT**

[Filed January 21, 2020, 10:32 a.m.]

Subject of Possible Rule Making: Continuing to implement the paid family and medical leave (PFML) program (Title 50A RCW) requires updating existing rules and promulgating new rules to ensure clarity and make necessary changes as we discover programmatic needs. This rule making will address when an employer is required to maintain existing health benefit coverage for an employee taking PFML, and other related topics.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 50A.04.215.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: More than one interpretation exists of legislative language that dictates the exact timing and circumstances of when an employer must continue to offer health benefits to an employee during a period of PFML. The rule will clarify the department's interpretation.

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 this program as it is a new state entitlement with authority granted solely to the employment security department.

Process for Developing New Rule: 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 April Amundson, 640 Woodland Square Loop S.E., Lacey, WA 68503, phone 360-485-2816, TTY Teresa Eckstein, State EO Officer, 771 [711] or 360-902-9354, email Rules@esd.wa.gov.

January 21, 2020
April Amundson
Policy and Rules Manager
for PFML

WSR 20-03-155**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

(Behavioral Health Administration)

[Filed January 21, 2020, 11:46 a.m.]

Subject of Possible Rule Making: The department is considering adding a new section to chapter 388-875 WAC, Criminally insane person committed to the care of the department of social and health services—Evaluation, placement, care and discharge, to establish requirements for the forensic navigator program. The department may amend other related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 10.77 RCW; RCW 72.01.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rules are necessary to clarify the duties and authority of the forensic navigator program under RCW 10.77.074. This RCW was the result of the settlement agreement and implementation plan for the Trueblood lawsuit.

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

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Teva Weissman, 1115 Washington Street S.E., Olympia, WA 98504, phone 360-902-7637, email teva.weissman@dshs.wa.gov.

January 21, 2020
Katherine I. Vasquez
Rules Coordinator

WSR 20-03-157**PREPROPOSAL STATEMENT OF INQUIRY
GAMBLING COMMISSION**

[Filed January 21, 2020, 12:22 p.m.]

Subject of Possible Rule Making: The gambling commission is considering amending its raffle rules specific to alternative drawing formats and bundling and selling tickets at a discount. The gambling commission is also considering adopting rules to allow for progressive raffles.

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 changes proposed above would offer additional options to nonprofit organizations when conducting 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: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Ashlie Laydon, P.O. Box 42400, Olympia, WA 98504-2400, phone 360-486-3473, fax 360-486-3624, TTY 360-486-3637, email rules.coordinator@wsgc.wa.gov, website www.wsgc.wa.gov.

January 10, 2020
Ashlie Laydon
Rules Coordinator

WSR 20-03-158**PREPROPOSAL STATEMENT OF INQUIRY
GAMBLING COMMISSION**

[Filed January 21, 2020, 12:24 p.m.]

Subject of Possible Rule Making: The gambling commission is considering adopting rules to charge the statutorily established default rate for processing public records requests.

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: RCW 42.56.120 authorizes agencies to charge for certain costs related to public records requests. This statute allows agencies to undergo their own cost-analysis determination or to choose the default rates established in the statute. The gambling commission feels rule making is needed to address the growing costs associated with requests consistent with the guidelines established by the 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: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Ashlie Laydon, P.O. Box 42400, Olympia, WA 98504-2400, phone 360-486-3473, fax 360-486-3624, TTY 360-486-3637, email rules.coordinator@wsgc.wa.gov, website www.wsgc.wa.gov.

January 15, 2020
Ashlie Laydon
Rules Coordinator

WSR 20-03-161**WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING**

[Filed January 21, 2020, 2:21 p.m.]

The department of licensing, business and professions division, tattoos, body piercing, and body art, program requests the withdrawal of the preproposal statement of inquiry for chapter 308-22 WAC, Body art, body piercing, and tattooing rules, filed as WSR 16-04-084 on January 29, 2016.

This document serves as the official notification of our rule withdrawal.

Damon Monroe
Rules Coordinator

WSR 20-03-179**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

(Aging and Long-Term Support Administration)

[Filed January 22, 2020, 11:01 a.m.]

Subject of Possible Rule Making: The department is planning to amend WAC 388-78A-2371 Investigations.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 18.20 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: WAC 388-78A-2371 was recently adopted. However, public review after the comment period noted a concern in the language that must be corrected. Without correction, the section in question may have moderate negative impact to stakeholders and the department.

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 Jeanette Childress, P.O. Box 45600, Olympia, WA 98504, phone 360-764-9804, fax 360-407-0976, email Jeanete.Childress@dshs.wa.gov [Jeanette.Childress@dshs.wa.gov], website <https://www.dshs.wa.gov/altsa>.

January 22, 2020
Katherine I. Vasquez
Rules Coordinator