

WSR 20-22-008
PREPROPOSAL STATEMENT OF INQUIRY
PROFESSIONAL EDUCATOR
STANDARDS BOARD

[Filed October 21, 2020, 4:37 p.m.]

Subject of Possible Rule Making: Chapters 181-78A, 181-77A, 181-77, and 181-79A WAC, technical review for reorganization and clarification of WAC language related to preparation programs.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 28A.410 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Current language needs to be clarified and reorganized.

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 Maren Johnson, 600 Washington Street S.E., Olympia, WA 98504, phone 360-725-6264, email maren.johnson@k12.wa.us, website www.pesb.wa.gov.

October 19, 2020
Maren Johnson
Rules Coordinator

WSR 20-22-009
PREPROPOSAL STATEMENT OF INQUIRY
PROFESSIONAL EDUCATOR
STANDARDS BOARD

[Filed October 21, 2020, 4:47 p.m.]

Subject of Possible Rule Making: Chapters 181-85, 181-86, 181-87, and 181-88 WAC, revisions to educator conduct policy.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 28A.410 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: E2SHB 1139, section 310 asked for a review regarding the improvement of the administration of professional educator certificate discipline in Washington. A stakeholder workgroup convened by professional educator standards board (PESB) and office of superintendent of public instruction for this review made a number of recommendations to policy in PESB WAC. This rule making is in response to those recommendations. This includes policy changes, as well as a number [of] nonsubstantive changes involving clarification, reorganization, and updates.

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 Maren Johnson, 600 Washington

Street S.E., Olympia, WA 98504, phone 360-725-6264, email maren.johnson@k12.wa.us, website www.pesb.wa.gov.

October 21, 2020
Maren Johnson
Rules Coordinator

WSR 20-22-022
PREPROPOSAL STATEMENT OF INQUIRY
HIGHLINE COLLEGE

[Filed October 23, 2020, 2:44 p.m.]

Subject of Possible Rule Making: Repealing chapter 132I-300 WAC, WAC 132I-300-010 and 132I-300-020, and chapter 132I-125 WAC.

Replace chapter 132I-126 WAC; WAC 132I-126-010, 132I-126-020, 132I-126-030, 132I-126-050, 132I-126-100, 132I-126-125, 132I-126-200, 132I-126-220, 132I-126-230, 132I-126-240, 132I-126-260, 132I-126-270, 132I-126-280, 132I-126-290, 132I-126-300, 132I-126-350, 132I-126-400, 132I-126-410, 132I-126-420, 132I-126-430, 132I-126-440, 132I-126-450, 132I-126-460, 132I-126-470, and 132I-126-480.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Campus Sex Crimes Prevention Act (§ 1601 of the Victims of Trafficking and Violence Protection Act of 2000): Public Law No. 106-386 (Title VI); Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) and Violence Against Women Act: 20 U.S.C. § 1092(f); Title IX of the Education Amendment of 1972: 20 U.S.C. §§ 1681-1688; Title VII of the Civil Rights Act of 1964: 42 U.S.C. §§ 2000e-2000e-17.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Highline College is required by the United States Department of Education to comply with the recently adopted Title IX regulations, which took effect on August 14, 2020. Highline College is adopting the new model 20 student conduct code.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: On May 19, 2020, the Federal Register printed amendments to Title IX regulations (85 F.R. 30575). The new regulations address the grievance process for formal complaints of sexual harassment and took effect on August 14, 2020.

Process for Developing New Rule: Pilot rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Danielle Slota, P.O. Box 98000, 2400 South 240th Street, Mailstop 99-238, phone 206-592-3600, email dslota@highline.edu, website highline.edu.

October 23, 2020
Danielle Slota, Director
Office of the President

WSR 20-22-026
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY

[Filed October 26, 2020, 8:54 a.m.]

Subject of Possible Rule Making: New behavioral health chapter 182-110 WAC; other related rules as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.021, 41.05.160; and SHB 2728, section 4 (66th legislature, 2020 regular session).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The agency intends to develop rules to implement the requirements of SHB 2728, which requires the health care authority (HCA) to:

(1) Calculate the annual costs to operate and administer the partnership lines described in SHB 2728;

(2) Calculate the proportion of clients covered by the medicaid program; and

(3) Collect a proportional share of program costs from entities that are not for covered lives under contract with HCA as medicaid managed care organizations.

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 Melinda Froud, Rulemaking Questions, P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-1408, fax 360-586-9727, telecommunication[s] relay service (TRS) 711, email melinda.froud@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking; or Martha Cortes Leon, Program Questions, P.O. Box 45500, Olympia, WA 98504-5500, phone 360-725-1650, fax 360-586-9727, TRS 711, email martha.cortesleon@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking.

October 26, 2020
 Wendy Barcus
 Rules Coordinator

WSR 20-22-031
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY

[Filed October 26, 2020, 3:13 p.m.]

The health care authority requests withdrawal of the pre-proposal statement of inquiry filed as WSR 19-06-029 on February 28, 2019, and distributed in the 19-06 State Register.

Wendy Barcus
 Rules Coordinator

WSR 20-22-036
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF ECOLOGY

[Order 20-01—Filed October 27, 2020, 9:10 a.m.]

Subject of Possible Rule Making: The department of ecology (ecology) is beginning a rule making to consider amending the water quality standards for surface waters of the state of Washington, chapter 173-201A WAC.

The proposed amendments include: Amending WAC 173-201A-440 Use attainability analysis; and changing the designated use for the Chelan River in WAC 173-201A-602 and potentially create new WAC 173-201A-630 and 173-201A-632.

Other sections of chapter 173-201A WAC may be amended, as necessary, to support any revisions to the sections noted above.

We are considering a change to the aquatic life designated use of salmonid spawning, rearing, and migration on the Chelan River using a use attainability analysis (UAA). A UAA is an approved water quality tool in Washington's surface water quality standards (SWQS), WAC 173-201A-440, and is used for removing a designated use for a water body only if that use is not existing or attainable. A UAA is a scientific assessment of the physical, chemical, biological, and economic factors that may affect the attainment of the use.

We are also considering including corresponding temperature and dissolved oxygen criteria, to align with the highest achievable water quality.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 90.48.035 provides clear and direct authority to ecology to revise SWQS.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: On December 20, 2019, Public Utility District No. 1 of Chelan County (Chelan PUD) submitted a proposal for a UAA for the aquatic life designated use on the Chelan River to better reflect current and historical uses. The current use designation includes salmonid spawning, rearing and migration for the entire river.

The Lake Chelan hydroelectric project was relicensed by the Federal Energy Regulatory Commission (FERC) in 2006. As part of the relicensing, ecology issued a 401 Water Quality Certification (401 Certification). The FERC license required Chelan PUD to rewater the river from which flows had been diverted for hydropower for over eighty years.

The returned waters now flow year-round through the four miles of the Chelan River to the confluence with the Columbia River. The Chelan River travels through a naturally steep canyon that acts as a barrier to salmonid migration to most of the river. However, salmonids now return to spawn in the lowest half-mile reach near the confluence with the Columbia.

In response to new license conditions, the Chelan PUD implemented a series of fishery studies as well as habitat and flow improvement projects to meet salmonid spawning, survival, and habitat use objectives in the lower reach of the

river, and to assess the potential for resident fish habitat in the upper reaches. After ten years of monitoring, adaptive management, and consultation with the Chelan River Fishery Forum, Chelan PUD reported on what biological objectives were met and why some other objectives were not met. The final report proposed changes to the Chelan River aquatic life designated uses, including corresponding temperature and dissolved oxygen criteria, to align with the highest achievable water quality.

Ecology's 401 Certification of Chelan's FERC license provides that ecology make a determination, based on the outcome of the evaluation of the monitoring and adaptive management program, to modify the water quality standards to reflect the objectives achieved.

Based on the previous research and consultation with ecology and the Environmental Protection Agency (EPA), Chelan PUD submitted a UAA proposal. We responded to the UAA request on February 18, 2020, and confirmed that the information provided is sufficient to proceed toward rule making in accordance with WAC 173-201A-440. We will consider using the UAA submittal to assign more accurate aquatic life designated uses to the Chelan River.

In addition to Washington state rules, the process to amend the uses must be consistent with federal EPA regulations on designating and protecting uses under 40 C.F.R. 131.10. The results of a UAA will not be in effect until they have been incorporated into the water quality standards (chapter 173-201A WAC) and approved by EPA.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: We will work with the federal EPA to ensure that the adopted water quality standards meet Clean Water Act requirements. We will consult with tribes during all stages of rule development. We will work with the Chelan River Fisheries Forum, which includes the National Oceanic and Atmospheric Administration, National Parks Service, United States Fish and Wildlife Service, Washington department of fish and wildlife, the United States Forest Service, the Confederated Tribes and Bands of the Yakima Nation, the Confederated Tribes of the Colville Reservation, and the Confederated Tribes of the Umatilla Indian Reservation. We will also work with city and county governments, public utility districts, and entities noted above, to discuss and seek input on rulemaking language development.

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 Marla Koberstein, Department of Ecology, Water Quality Program, P.O. Box 47600, Olympia, WA 98504-7600, phone 36[360]-407-6413, people with speech disability may call TTY at 877-833-6341. People with impaired hearing may call Washington relay service at 711, email swqs@ecy.wa.gov, website www.ecology.wa.gov/Regulations-Permits/Laws-rules-rulemaking/Rulemaking/WAC173-201A-Chelan-UAA, sign up to receive email notices at <http://listserv.ecology.wa.gov/scripts/wa-ECOLOGOY.exe?SUBED1=ECOLOGY-WATER-QUALITY-INFO&A=1>.

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.

October 26, 2020
Vincent McGowan
Program Manager

WSR 20-22-041

PREPROPOSAL STATEMENT OF INQUIRY

HEALTH CARE AUTHORITY

[Filed October 28, 2020, 10:53 a.m.]

Subject of Possible Rule Making: WAC 182-501-0135 Patient review and coordination; 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 revising this section to clarify that a client with private full coverage insurance is not reviewed or placed into the patient review and coordination (PRC) program unless the client does not have pharmacy coverage. In this situation, if the client qualifies for PRC and is placed into the PRC program, the restriction is only to a pharmacy. 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, Rulemaking Questions, P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-1346, fax 360-586-9727, telecommunication[s] relay service (TRS) 711, email michael.williams@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking; Suzanne Cunningham, Policy Questions, P.O. Box 45530, Olympia, WA 98504-5530, phone 360-725-1679, fax 360-725-1346, TRS 711, email Suzanne.cunningham@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking.

October 28, 2020
Wendy Barcus
Rules Coordinator

WSR 20-22-062
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)

[Filed October 30, 2020, 9:43 a.m.]

Subject of Possible Rule Making: The department is planning to adopt new WAC 388-434-0015 Extension of certification periods and waiver of eligibility reviews and mid-certification reviews during the COVID-19 pandemic, and create or amend other related rules as may be required.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Planned adoption of WAC 388-434-0015 will implement administrative flexibilities regarding certification periods and mid-certification reviews as allowed under H.R. 8337, Continuing Appropriations Act, 2021 and Other Extensions Act of 2020.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The United States Department of Agriculture, Food and Nutrition Service (FNS) enforces the provisions of the federal Supplemental Nutrition Assistance Program (SNAP) as enacted in the 2008 Food and Nutrition Act and codified in the Code of Federal Regulations. The department will amend rules that are consistent with the act, federal regulations, and FNS administrative notices and formal guidance.

The state legislature authorizes the department to administer the SNAP and food assistance program for legal immigrants under RCW 74.04.500, 74.04.510, and 74.08A.120.

The department of social and health services (DSHS) incorporates regulations from the federal agencies, exercises state options, and implements approved waivers of federal regulatory requirements by adopting administrative rules for food assistance programs administered under the Washington basic food 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 Ivette Dones-Figueroa, Economic Services Administration, Community Services Division, P.O. Box 45470, Olympia, WA 98504-5470, phone 360-725-4651, fax 360-725-4904, email Ivette.dones-figueroa@dshs.wa.gov; or Patrick Budde Jr., Economic Services Administration, Community Services Division, P.O. Box 45470, Olympia, WA 98504-5470, phone 360-725-4769, fax 360-725-4904, email Patrick.Budde@dshs.wa.gov.

October 29, 2020
Katherine I. Vasquez
Rules Coordinator

WSR 20-22-066
PREPROPOSAL STATEMENT OF INQUIRY
EASTERN WASHINGTON UNIVERSITY

[Filed October 30, 2020, 12:41 p.m.]

Subject of Possible Rule Making: Adding new chapter 172-11 WAC, Registration, to identify tuition waivers.

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: Identify the permissible tuition waivers Eastern Washington University is offering in accordance with RCW 28B.15.910.

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 Annika Scharosch, 211 Tawanka Hall, Eastern Washington University, Cheney, WA 99004, phone 509-359-6724, email ascharosch@ewu.edu, website <https://inside.ewu.edu/policies/>.

October 30, 2020
Annika Scharosch
Associate Vice President

WSR 20-22-067
PREPROPOSAL STATEMENT OF INQUIRY
EASTERN WASHINGTON UNIVERSITY

[Filed October 30, 2020, 12:42 p.m.]

Subject of Possible Rule Making: Chapter 172-64 WAC, Alcohol policy at Eastern Washington University (EWU).

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: Update EWU's regulations pertaining to the consumption of alcohol on-campus and off-campus

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 Annika Scharosch, 211 Tawanka Hall, Eastern Washington University, Cheney, WA 99004, phone 509-359-6724, email ascharosch@ewu.edu, website <https://inside.ewu.edu/policies/>.

October 30, 2020
Annika Scharosch
Associate Vice President

WSR 20-22-077

PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed November 3, 2020, 8:12 a.m.]

Subject of Possible Rule Making: The department is planning to amend WAC 388-412-0025 How do I receive my benefits?; 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, 74.08.090; and 7 C.F.R. 274.2.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Planned amendments will comply with a newly finalized federal rule under 7 C.F.R. 274.2 regarding benefit expungement from an electronic benefit transfer account due to inactivity.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The United States Department of Agriculture, Food and Nutrition Service (FNS) enforces the provisions of the federal Supplemental Nutrition Assistance Program (SNAP) as enacted in the 2008 Food and Nutrition Act and codified in the Code of Federal Regulations. The department will amend rules that are consistent with the act, federal regulations, and FNS administrative notices and formal guidance.

The state legislature authorizes the department to administer the SNAP and food assistance program for legal immigrants under RCW 74.04.500, 74.04.510, and 74.08A.120.

The department of social and health services (DSHS) incorporates regulations from the federal agencies, exercises state options, and implements approved waivers of federal regulatory requirements by adopting administrative rules for food assistance programs administered under the Washington basic food 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 Ivette Dones-Figueroa, Program Manager, Economic Services Administration, Community Services Division, P.O. Box 45470, Olympia, WA 98504-5470, phone 360-725-4651, fax 360-725-4904, email donesim@dshs.wa.gov.

November 3, 2020
Katherine I. Vasquez
Rules Coordinator

WSR 20-22-078

PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed November 3, 2020, 8:36 a.m.]

Subject of Possible Rule Making: Fee increase under consideration for the following 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 (*Manufactured Home Installer Training and Certification Program*), 296-150M-3000 Manufactured/mobile home fees, 296-150P-3000 Recreational park trailer 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: Chapter 43.22 RCW, department of labor and industries (L&I) and chapter 43.22A RCW, Mobile and manufactured home installation.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The purpose of this rule making is to consider a fee increase of 5.91 percent for the FAS program to support operating expenses for inspections and other program public safety activities. This is the office of financial management's maximum allowable fiscal growth factor rate for fiscal year 2021. L&I evaluated the budget and projected revenue of the program and determined a fee increase is needed to help cover the cost of ongoing services.

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

Process for Developing New Rule: Interested parties can participate in the decision to adopt the new rules and formulation of the proposed rules before publication by contacting the individual listed below. The public can also participate, after amendments are proposed by providing written comments and 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 Alicia Curry, L&I, Field Services and Public Safety Division, P.O. Box 44400, Olympia, WA 98504-4400, phone 360-902-6244, fax 360-902-5292, email Alicia.Curry@Lni.wa.gov, website <https://www.lni.wa.gov/rulemaking-activity/?query=FAS>.

November 3, 2020
Joel Sacks
Director

WSR 20-22-079
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)

[Filed November 3, 2020, 8:37 a.m.]

Subject of Possible Rule Making: The department is planning to amend WAC 388-476-0005 Social Security number requirements; and other related rules as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, 74.08.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Planned amendments to WAC 388-476-0005 will align rule language with federal Supplemental Nutrition Assistance Program (SNAP) regulations regarding good cause for not providing a Social Security number.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The United States Department of Agriculture, Food and Nutrition Services, enforces the provisions of SNAP as enacted in the 2008 Food and Nutrition Act and codified in the Code of Federal Regulations. The department amends rules that are consistent with the act, federal regulations, and FNS administrative notices and formal guidance.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Carolyn Horlor, P.O. Box 45470, Olympia, WA 98504-5470, phone 360-764-0676, fax 360-725-4904, email Carolyn.Horlor@dshs.wa.gov.

November 3, 2020
Katherine I. Vasquez
Rules Coordinator

WSR 20-22-090
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF REVENUE

[Filed November 3, 2020, 11:07 a.m.]

Subject of Possible Rule Making: SSB 5581 (2019), remote sellers, referrers, and marketplace facilitators.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 82.32.300, 82.01.060(2), and 82.08.0531.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department of revenue intends to provide guidance to taxpayers regarding SSB 5581, which was enacted by the legislature during the regular session of 2019.

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

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Darius Massoudi, P.O. Box 47453, Olympia, WA 98504-7453, phone 360-534-1572, fax 360-534-1606, TTY 800-833-6384, email dariusm@dor.wa.gov, website dor.wa.gov.

Additional comments: Written comments may be submitted by mail or email and should be directed to Darius Massoudi using one of the contact methods above. Written and oral comments will be accepted at the public meeting on December 16, 2020, at 10:00 a.m. This meeting will be conducted over the internet/phone. Contact Keith Dacus at KeithD@dor.wa.gov for login/dial-in information.

November 3, 2020
Atif Aziz
Rules Coordinator

WSR 20-22-092
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF REVENUE

[Filed November 3, 2020, 12:38 p.m.]

Subject of Possible Rule Making: WAC 458-20-211 Leases or rentals of tangible personal property, bailments.

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: The department issued an interim guidance statement in August 2019 regarding the taxation of stand-alone concrete pumping services, which went into effect April 1, 2020. The department is proposing amendments to WAC 458-20-211 to incorporate some of the clarification provided in the interim guidance statement, and may further consider addressing other related issues based on any comments received. Specifically, the department's proposed amendments address the issue of distinguishing concrete pumping services that are rentals of equipment with an operator from sales of construction services and/or construction materials.

The department is also proposing amendments that reformat and modernize the rule, but that are not substantive.

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

Process for Developing New Rule: Parties interested in this rule making may contact the individual listed below. The public may also participate by providing written comments throughout this rule making or giving oral testimony at the public meeting or public hearing. Previous public meetings with respect to this rule making were held on October 30, 2019, and June 8, 2020.

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

Additional comments: This is the third public meeting, however, unlike the first two meetings, this meeting will include a draft of proposed changes to the rule.

Written comments may be submitted by mail or email and should be directed to Brenton Madison using one of the contact methods above. Written and oral comments will be accepted at the public meeting on December 2, 2020, at 10:00 - 11:30 a.m. Telephonic/internet meeting only. Contact Keith Dacus at KeithD@dor.wa.gov for dial-in/login information.

November 3, 2020
Atif Aziz
Rules Coordinator

WSR 20-22-097

PREPROPOSAL STATEMENT OF INQUIRY PENINSULA COLLEGE

[Filed November 3, 2020, 2:16 p.m.]

Subject of Possible Rule Making: Title IX, sexual harassment, student conduct code.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 34.05 RCW; and RCW 28B.50.140(13); 20 U.S.C. Section 1092(f); Title IX of the Education Amendments of 1972, 20 U.S.C. Section 1681 et seq.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: On May 19, 2020, the Federal Register printed amendments to Title IX regulations (85 F.R. 30575). The new regulations address the grievance process for formal complaints of sexual harassment and were scheduled to take effect on August 14, 2020. An emergency update to the college's student conduct code was filed to be compliant with the federal regulations. Chapter 132A-125 WAC was repealed in its entirety and new chapter 132-126 WAC was submitted. WAC 132A-350-020 and 132A-350-015 were repealed in their entirety.

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: Federal regulations to student code of conduct (see above). WAC 132A-350-020 and 132A-350-015 no longer require codification and will become new institutional policy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jack Huls, Vice President, Student Services, Peninsula College, Port Angeles, WA 98362, phone 360-452-9277, email jhuls@pencol.edu, website www.pensulacollege.edu; or Kelly Griffith, Executive Assistant to the President, Rules Coordinator, Peninsula College, Port Angeles, WA 98362, phone 360-417-6201, email kgriffith@pencol.edu, website www.pensulacollege.edu.

November 3, 2020
Kelly L. Griffith
Executive Assistant to the President
Rules Coordinator

WSR 20-22-098

PREPROPOSAL STATEMENT OF INQUIRY HEALTH CARE AUTHORITY

[Filed November 3, 2020, 2:54 p.m.]

Subject of Possible Rule Making: WAC 182-51-0600 Manufacturers—Data and price reporting, and 182-51-0900 Data confidentiality; other related rules as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.021, 41.05.160, and 43.71C.110.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Health care authority (HCA) is amending WAC 182-51-0600 to change the timeframe manufacturers have to report to HCA new covered drugs being introduced to market in Washington. HCA is also amending WAC 182-51-0900 to add the contents of the prescription drug pricing transparency program's nondisclosure agreement. 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 Jason Crabbe, Rulemaking Questions, P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-9563, fax 360-586-9727, telecommunication[s] relay service (TRS) 711, email jason.crabbe@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking; or Donna Sullivan, Program Questions, P.O. Box 45502, Olympia, WA 98504-5502, phone 360-725-1564, fax 360-586-9727, TRS 711, email donna.sullivan@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking.

November 3, 2020
Wendy Barcus
Rules Coordinator

WSR 20-22-107**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE**

[Filed November 4, 2020, 8:05 a.m.]

Subject of Possible Rule Making: The department is considering changes to recreational clam and oyster harvest season rules.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department must annually amend recreational clam and oyster season rules on some public tidelands in response to shellfish population changes, shifts in recreational effort, conservation issues, and negotiations with treaty tribes and other state agencies. Such amendments are designed to perpetuate shellfish resources while maximizing recreational harvest opportunity.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Washington department of health (DOH). Washington department of fish and wildlife (WDFW) works closely with DOH to close beaches to recreational clam and oyster harvest if there is a risk to public health.

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 Ben Power, WDFW Rules Coordinator, P.O. Box 43152, Olympia, WA 98501, phone 360-902-2721, fax 360-902-2155, email Rules.coordinator@dfw.wa.gov; or Camille Speck, Intertidal Bivalve Manager, 375 Hudson Street, Port Townsend, WA 98368, phone 360-302-3030 ext. 313, fax 360-302-3030, email Camille.speck@dfw.wa.gov.

November 4, 2020
Ben Power
Rules Coordinator

WSR 20-22-109**WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE**

[Filed November 4, 2020, 9:10 a.m.]

The Washington department of fish and wildlife is withdrawing WSR 18-16-062 filed on July 27, 2018.

Ben Power
Rules Coordinator

WSR 20-22-110**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE**

[Filed November 4, 2020, 9:24 a.m.]

Subject of Possible Rule Making: The department is considering changes to commercial shellfish rules.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The proposed changes are intended to clarify existing rules, update or delete outdated rules, and make changes as necessary based on negotiations with treaty tribes and management policy concerning affected species.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Washington department of health (DOH) and Washington department of natural resources (DNR). Washington department of fish and wildlife (WDFW) works closely and regularly with DOH and WDFW where shellfish regulatory authorities overlap and will coordinate with these agencies on relevant proposals.

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 Ben Power, WDFW Rules Coordinator, P.O. Box 43152, Olympia, WA 98501, phone 360-902-2721, fax 360-902-2155, email Rules.coordinator@dfw.wa.gov; or Chris Eardley, Puget Sound Shellfish Policy Coordinator, 375 Hudson Street, Port Townsend, WA 98368, phone 360-302-3030 ext. 302, fax 360-302-3030, email chris.eardley@dfw.wa.gov.

November 4, 2020
Ben Power
Rules Coordinator