

WSR 22-18-014

PREPROPOSAL STATEMENT OF INQUIRY

HORSE RACING COMMISSION

[Filed August 26, 2022, 9:00 a.m.]

Subject of Possible Rule Making: WAC 260-49-070 Distribution of source market fees.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 67.16.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Washington horse racing commission (WHRC) may need to adjust the source market fee distribution based on the effect to the revenue for WHRC in the event the in-state pari-mutuel handle exceeds \$50,000,000, thereby reducing the pari-mutuel tax from 1.803 percent to 1.3 percent.

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 Douglas L. Moore, 6326 Martin Way, Suite 209, Olympia, WA 98516, phone 360-450-6462, fax 360-450-6461, TTY 360-450-6462, email doug.moore@whrc.state.wa.us, website www.whrc.wa.gov; or Amanda Benton, 6326 Martin Way, Suite 209, Olympia, WA 98516, phone 360-450-6462, fax 360-450-6461, TTY 360-450-6462, email amanda.benton@whrc.state.wa.us, website www.whrc.wa.gov.

August 26, 2022
Douglas L. Moore
Executive Secretary

WSR 22-18-037
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE

[Filed August 30, 2022, 7:13 a.m.]

Subject of Possible Rule Making: The department is considering rule changes to chapter 220-500 WAC which regulates the use of Washington department of fish and wildlife (WDFW) lands.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department's general rules for department lands are unclear and contain gaps. The proposed rule changes would:

- Define certain terms and amend existing term definitions for greater clarity; and
- Amend references to defined terms for consistency and clarity.

This CR-101 is the first of likely several in the coming years to implement the rule-making portion of the 2022 10-year recreation strategy for WDFW-managed lands. Priority #4 (rule making) of the strategy identifies two goals: (1) Reduce regulatory uncertainty regarding recreation-related uses; and (2) regulate access and use of specific wildlife areas, units, and water access areas. Rule making associated with this CR-101 is intended to be fairly limited in scope and will aim to both patch some of the more pressing regulatory gaps (e.g., define "posted" to include measures other than onsite signage) and set the stage for more extensive rule making for deliverables 4.13 (streambank easement rule) and 4.21 (area-specific rule-making approach), among others.

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 Eric Gardner, 1111 Washington Street S.E., [Olympia,] WA 98504, phone 855-925-2801, project code 5867, TTY 360-902-2349, TTY 1-800-833-6388 or 711, email RecEasements@PublicInput.com, website <https://publicinput.com/RecEasements>; or Heather Bonagofski, email heather.bonagofski@dfw.wa.gov, website <https://wdfw.wa.gov/about/wdfw-lands/public-conduct>.

Additional comments: For WDFW rule-making information <http://wdfw.wa.gov/about/regulations>.

August 30, 2022
Annie Szvetecz
Rules Coordinator

WSR 22-18-039

PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF ECOLOGY

[Order 22-06—Filed August 30, 2022, 8:37 a.m.]

Subject of Possible Rule Making: Chapter 173-201A WAC, Water quality standards for surface waters of the state of Washington.

We are considering amendments to WAC 173-201A-020 Definitions, 173-201A-330 Tier III—Protection of outstanding resource waters, and 173-201A-602 Use designations for fresh waters by water resource inventory area (WRIA), WRIs 4 and 26.

We may amend other sections of chapter 173-201A WAC as necessary to support any revisions to the sections noted above.

We received nominations to designate the following waterbodies as outstanding resource waters (ORWs): Soap Lake (Grant County), Napeequa River (Chelan County), Green River - upper watershed (Lewis and Skamania counties), and Cascade River - upper watershed (Skagit County).

An ORW has the highest level of protection assigned to a waterbody, under the Tier III antidegradation rule in our water quality standards.

We will review each nomination as described in WAC 173-201A-330 (3)(b). After considering public comments and weighing public support for each nomination, we will make a final decision on whether a nominated waterbody should be adopted into chapter 173-201A WAC as an ORW, and whether that waterbody should be given Tier III (A) or (B) protection, as described under WAC 173-201A-330(5).

In addition to considering ORW designations, we will also consider changes to WAC 173-201A-330 to improve rule clarity, 173-201A-020 to add a definition for outstanding resource waters, and 173-201A-602 to note where an ORW exists on waterbodies with specified use designations within Table 602.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 90.48.035 Water pollution control—Rule-making authority; and 40 C.F.R. 131.20 Water quality standards—State review and revision of water quality standards, requires states and tribes (with primacy for clean water actions) to periodically review and update the water quality standards.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In 2021, we received nominations to designate waterbodies as ORWs.

The Soap Lake Conservancy and the Confederated Tribe of the Colville Reservation nominated Soap Lake in Grant County for ORW designation. The proponents nominated Soap Lake for Tier III(B) protection, which would limit future sources of pollution to those that cause only minor degradation. This level of protection would place extra requirements on new or expanded point source discharges to ensure pollution from wastewater is kept to a minimum. For nonpoint sources, this designation would require that certain best management practices are used to limit pollution from runoff to below measurable levels where total elimination is not feasible.

A group of organizations, including Pew Charitable Trust, American Rivers, Cascade Forest Conservancy, Wild Salmon Center, American Whitewater, Washington Wild, and Trout Unlimited, nominated the following waterbodies for ORW designation: Napeequa River (Chelan County), the upper watershed of the Green River (Lewis and Skamania counties), and the upper watershed of Cascade River (Skagit County).

The proponents requested we consider each of the three waterbodies for Tier III(A) protection. Tier III(A) is the highest level of protection, allowing no further actions that may contribute to degradation of the waterbody except in specific circumstances described in WAC 173-201A-330 (4)(a)-(d).

For each nomination, we reviewed the waterbody to determine if it met at least one of the eligibility requirements under WAC 173-201A-330(1). During this review, which must be completed within 60 days of when we receive the nomination, we contacted tribes in the geographic vicinity of each nominated waterbody, as well as local jurisdictions and other stakeholders, to notify them of the nominations. We determined that each waterbody submitted for consideration met at least one of the eligibility criteria.

We informed the public of our intent to conduct a public review of the nominations during the 2021 triennial review process, and we received comments from over 50 organizations in support of formally reviewing the ORW nominations. The next step is to gather additional information on each nominated waterbody, conduct additional tribal and stakeholder outreach, and hold a formal public review of each nomination before we consider adopting an ORW designation.

Washington has yet to designate any waterbody as an ORW. If we adopt an ORW designation for any of the nominated waterbodies, it will be the first time Washington will assign the highest level of protection for a waterbody under our antidegradation section of the water quality standards.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: We will work with tribes to discuss, and seek input on, this rule making. In addition, we will invite government-to-government consultation to tribes on this rule. We will also coordinate with the United States Environmental Protection Agency through rule development and approval.

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 360-628-6376, for Washington relay service or TTY call 711 or 877-833-6341, email marla.koberstein@ecy.wa.gov, website <https://ecology.wa.gov/Regulations-Permits/Laws-rules-rulemaking/Rulemaking/WAC-173-201A-Outstanding-Resource-Waters>. Sign up to receive email notices: https://public.govdelivery.com/accounts/WAECY/subscriber/new?topic_id=WAECY_61.

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.

August 30, 2022
Vincent G. McGowan, PE
Water Quality Program Manager

WSR 22-18-049
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE

[Order 2022-13—Filed August 30, 2022, 12:57 p.m.]

Subject of Possible Rule Making: The department is reviewing the status of the Columbian white-tailed deer (*Odocoileus virginianus leucurus*) currently listed as endangered (WAC 220-610-010).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.04.012, 77.04.055, 77.12.020, 77.15.120, and 77.15.130.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department will review all relevant data pertaining to the population status and factors affecting existence in Washington for the Columbian white-tailed deer. Based on the information collected and reviewed, the department will make recommendations to maintain the Columbian white-tailed deer current listing status as endangered or reclassify the Columbian white-tailed deer to sensitive or threatened. The department may also recommend to "delist" the Columbian white-tailed deer and reclassify as protected wildlife or unclassified wildlife.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Federal and state agencies that regulate these species include the United States Fish and Wildlife Service, National Marine Fisheries Service, United States Forest Service, Bureau of Land Management, Bureau of Reclamation, and Washington department of natural resources. The department will coordinate with appropriate entities during the review period.

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 Eric Gardner, P.O. Box 43200, phone 855-925-2801, project code 4007, fax 360-902-2162, TTY 360-902-2349 or TTY 711, email WhiteTailedDeer@PublicInput.com, website <https://publicinput.com/WhiteTailedDeer>; or Heather Bonagofski, 1111 Washington Street S.E., Olympia, WA 98504, phone 360-902-2512, email heather.bonagofski@dfw.wa.gov.

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

August 30, 2022
Annie Szvetecz
Rules Coordinator

WSR 22-18-050
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY

[Filed August 30, 2022, 2:10 p.m.]

Subject of Possible Rule Making: WAC 182-501-0135 Patient review and coordination (PRC); other related rules as appropriate.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The health care authority (HCA) is amending WAC 182-501-0135 to: (a) Change the time period in which a client may request an administrative hearing from 90 days to 120 days; (b) state that HCA may determine on a case-by-case basis that a client may obtain certain prescription items at any pharmacy; and (c) add that HCA may remove a client from PRC placement if the client has successfully stabilized due to the utilization of treatment medications, including but not limited to, Buprenorphine. During the course of this review, HCA may identify additional related changes that are required in order to improve clarity or update policy.

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

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jason Crabbe, Rulemaking Questions, P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-9563, fax 360-586-9727, telecommunication[s] relay service (TRS) 711, email jason.crabbe@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking; or Dianne Baum, Program Questions, P.O. Box 45502, Olympia, WA 98504-5502, phone 360-725-2028, fax 360-586-9727, TRS 711, email dianne.baum@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking.

August 30, 2022
Wendy Barcus
Rules Coordinator

WSR 22-18-057
PREPROPOSAL STATEMENT OF INQUIRY
LIQUOR AND CANNABIS
BOARD

[Filed August 31, 2022, 10:56 a.m.]

Subject of Possible Rule Making: WAC 314-55-155 Advertising requirements and promotional items—Coupons, giveaways, etc. The Washington state liquor and cannabis board (WSLCB) is considering creating new, amending, or repealing existing rule sections as necessary to update advertising requirements for licensed cannabis businesses. Revisions may also include clarifying and technical updates to existing rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 69.50.342, 69.50.345, 69.50.369.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: WSLCB seeks to reevaluate current rules related to advertising in cannabis, as provided in WAC 314-55-155. Since the last substantive amendments to WAC 314-55-155 in 2018, cannabis advertising has rapidly expanded in scope and content, across multiple advertising platforms. Rule making may be appropriate to amend, repeal, or create new subsections in order to update advertising requirements to licensed cannabis businesses. Revisions may also include clarifying and technical updates to existing 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 Robert DeSpain, Policy and Rules Coordinator, P.O. Box 43080, Olympia, WA 98504, phone 360-664-4519, fax 360-704-5027, email rules@lcb.wa.gov, website lcb.wa.gov.

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

August 31, 2022
David Postman
Chair

WSR 22-18-058
PREPROPOSAL STATEMENT OF INQUIRY
LIQUOR AND CANNABIS
BOARD

[Filed August 31, 2022, 11:55 a.m.]

Subject of Possible Rule Making: The Washington state liquor and cannabis board (WSLCB) is considering creating new rules regarding plant canopy; and amending or repealing rules regarding plant canopy, including WAC 314-55-075 and 314-55-010(31).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 69.50.342 and 69.50.345.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Cannabis producers utilize a wide range of techniques and configurations in plant cultivation.

Rule making may be necessary to create, amend, or repeal the rules on plant canopy after review.

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 Jeff Kildahl, Policy and Rules Coordinator, P.O. Box 43080, Olympia, WA 98504, phone 360-664-1781, fax 360-664-9689, email rules@lcb.wa.gov, website www.lcb.wa.gov.

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

August 31, 2022
David Postman
Chair

WSR 22-18-062
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
CHILDREN, YOUTH, AND FAMILIES

[Filed September 1, 2022, 8:58 a.m.]

Subject of Possible Rule Making: The department of children, youth, and families (DCYF) will be making changes to WAC 110-80-0260 and other related WAC regarding referrals to the division of child support when children and [are] placed into DCYF's care. Currently DCYF has an automatic referral process to start collecting child support 72 hours after a child or youth is removed from the parents' or guardians' care and custody, unless good cause exists to not pursue collection. DCYF wants to minimize the number of referrals to the division of child support and revise good cause criteria as the current process can cause financial hardship and delay reunification. This CR-101 is related to WSR 22-04-056 and both rule-making projects will be merged into one CR-102.

Statutes Authorizing the Agency to Adopt Rules on this Subject:
RCW 74.20.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Referrals to the division of child support can be harmful to families in the child welfare system by causing financial hardship, prolonged debt, and delayed reunification. Minimizing referrals will help family reunification occur sooner. Per RCW 74.14C.005, "children need their families and should be raised by their own families whenever possible," and "improvement of family functioning is essential in order to promote the child's health, safety, and welfare." Per RCW 13.34.020, the legislature declares that "the family unit should remain intact unless a child's right to conditions of basic nurture, health, or safety is jeopardized."

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Tara Camp, P.O. Box 12500, Mailstop B39-12, Yakima, WA 98909, phone 509-823-7503, email tara.camp@dcyf.wa.gov, website <https://dcyf.wa.gov>.

September 1, 2022
Brenda Villarreal
Rules Coordinator

WSR 22-18-069
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY

[Filed September 1, 2022, 2:54 p.m.]

Subject of Possible Rule Making: WAC 182-538-070 Payments and sanctions for managed care organizations (MCOs) in integrated managed care regional service areas; new section(s) under chapter 182-538 WAC, Managed care, regarding sanctions for managed care organizations; 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 intends to develop and revise rules that allow it to be flexible in its approach to sanctions with managed care organizations, as authorized by 42 C.F.R. 438.702(b). 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: Centers for Medicare and Medicaid Services.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting 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 Michael Brown, Program Questions, P.O. Box 45503, Olympia, WA 98504-5503, phone 360-725-0913, fax 360-586-9727, TRS 711, email michael.brown@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking.

September 1, 2022
Wendy Barcus
Rules Coordinator

WSR 22-18-073
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Developmental Disabilities Administration)
[Filed September 2, 2022, 10:37 a.m.]

Subject of Possible Rule Making: Chapter 388-845 WAC and other related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 71A.12.030 and 71A.12.120.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The developmental disabilities administration (DDA) is planning to amend this chapter to align DDA's home and community-based services rules with amendments approved by the Centers for Medicare and Medicaid Services. During this review, DDA may make additional changes that are necessary to improve clarity or update policy.

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 Chantelle Diaz, DDA, P.O. Box 45310, Olympia, WA 98504-5310, phone 360-407-1500, fax 360-407-0955, TTY 1-800-833-6388, email chantelle.diaz@dshs.wa.gov.

September 1, 2022
Katherine I. Vasquez
Rules Coordinator

WSR 22-18-081
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed September 6, 2022, 8:32 a.m.]

Subject of Possible Rule Making: Chapter 296-56 WAC, Safety standards—Longshore, stevedore and waterfront related operations.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The division of occupational safety and health (DOSH) is initiating rule making for chapter 296-56 WAC, Safety standards—Longshore, stevedore and waterfront related operations.

The purpose of this rule making is to align the standard with SHB 1706 (RCW 70.54.480), passed by the legislature in 2022, regarding drayage truck operators access to restrooms when operating in or on a port or rail yard property. New requirements include access to restrooms and dedicated space for lactation.

This rule making will also better align chapter 296-56 WAC, Safety standards—Longshore, stevedore and waterfront related operations, with the federal Occupational Safety and Health Administration requirements for marine terminals in 29 C.F.R. 1917, Subpart A.

In addition, this rule making may include other housekeeping and formatting items.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Washington state department of health has corresponding jurisdiction to enforce the requirements set forth in SHB 1706 (RCW 70.54.480).

Process for Developing New Rule: Parties interested in the formulation of these rules may contact the individual listed below. The public may also participate by commenting after amendments are proposed by providing written comments or giving oral testimony during the public hearing process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Cathy Coates, Administrative Regulations Analyst, Department of Labor and Industries, DOSH, P.O. Box 44620, Olympia, WA 98504-4620, phone 360-902-5432, fax 360-902-5619, email Cathy.Coates@lni.wa.gov, website Rulemaking Activity at L&I (wa.gov).

September 6, 2022
Joel Sacks
Director

WSR 22-18-083
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY

[Filed September 6, 2022, 9:23 a.m.]

Subject of Possible Rule Making: WAC 182-550-4670 CPE payment program—"Hold harmless" provision; 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 WAC 182-550-4670(4) to include the federal portion of medicaid program supplemental payments received by hospitals. During this review, the health care authority may identify additional related changes that are required to improve clarity or update policy.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Health and Human Services, Centers for Medicare and Medicaid Services.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Brian Jensen, Rulemaking 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 Jessica Carrothers, Program Questions, P.O. Box 45506, Olympia, WA 98504-5506, phone 360-725-2130, fax 360-586-9727, TRS 711, email Jessica.carrothers@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking.

September 6, 2022
Wendy Barcus
Rules Coordinator

WSR 22-18-088

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF REVENUE

[Filed September 6, 2022, 11:25 a.m.]

Subject of Possible Rule Making: WAC 458-20-1005 Written determinations as precedents—Criteria for publication.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 82.32.410, 82.32.300.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: RCW 82.32.410 authorizes the director to designate certain written determinations as precedents. RCW 82.32.410 (1)(a) provides that the director shall adopt a rule identifying the criteria to be used to decide whether a determination is precedential.

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: 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 Adam Becker, 6400 Linderson Way S.W., P.O. Box 47453, Tumwater, WA 98504, phone 360-534-1574, fax 360-534-1606, TTY 800-833-6384, email AdamB@dor.wa.gov.

Additional comments: Written comments may be submitted by mail or email and should be directed to Adam Becker using one of the contact methods above. Written and oral comments will be accepted at the public meeting on October 5, 2022, at 10:00 a.m. Public meeting location: Telephonic/internet meeting only. Contact Sierra Crumbaker at SierraC@dor.wa.gov for dial-in/login information.

September 6, 2022

Atif Aziz

Rules Coordinator

WSR 22-18-089
PREPROPOSAL STATEMENT OF INQUIRY
CRIMINAL JUSTICE
TRAINING COMMISSION

[Filed September 6, 2022, 11:28 a.m.]

Subject of Possible Rule Making: Chapters 139-01, 139-05, 139-06, 139-07 and 139-10 WAC; and other chapters as necessary.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.101.080.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To update WAC to current agency processes, language, WAC style and organization, to provide further clarification for stakeholders, and to update any curriculum as needed.

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 Derek Zable, 19010 1st Avenue South, Burien, WA 98148, phone 253-835-7350, email Derek.zable@cjtc.wa.gov, website cjtc.wa.gov.

September 6, 2022
Derek Zable
Records Manager

WSR 22-18-097
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF REVENUE

[Filed September 7, 2022, 9:22 a.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 82.87.110, 82.87.130.

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 proposed rule seeks to clarify administrative aspects of the excise tax on capital gains, such as proper filing procedures and penalties related to this excise tax.

In March of 2022, the Douglas County Superior Court ruled in *Quinn v. State of Washington* that the excise tax on capital gains does not meet state constitutional requirements and, therefore, is unconstitutional and invalid. The state has appealed the ruling to the Washington supreme court. While the appeal is pending, the department will continue to provide guidance, such as this rule, to the public regarding the tax as a courtesy. This rule will apply only if the tax is ruled constitutional and valid by a court of final jurisdiction.

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: Written comments may be submitted by mail or email and should be directed to Michael Hwang using one of the contact methods above by October 12, 2022. Written and oral comments will be accepted at the public meeting on Wednesday, September 28, 2022, at 10:00 a.m. Public meeting location: Virtual meeting. Contact Sierra Crumbaker at SierraC@dor.wa.gov for dial-in/login information.

September 7, 2022
Atif Aziz
Rules Coordinator