

WSR 23-19-027

PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF ECOLOGY

[Order 23-04—Filed September 12, 2023, 8:06 p.m.]

Subject of Possible Rule Making: The department of ecology (ecology) is considering amendments to chapter 173-446 WAC to address new and revised cap and invest offset protocols. Offsets are projects or programs designed to reduce the amount of greenhouse gases (GHGs) in the atmosphere. In Washington's cap-and-invest program, offset projects must also provide direct environmental benefits to our state. Offsets allow businesses to balance out the negative impacts of their emissions by funding a project that benefits the environment such as capturing methane on dairy farms or planting trees in urban areas.

The scope of this rule making will include consideration of protocol updates or addition of new protocols to increase the potential variety of offset projects that can be developed within the cap-and-invest program, as directed by RCW 70A.65.170 (4) (b). This statute directs ecology to conduct rule making that ensures that any updates or additions to the offset program are both based in the best available science, and support the needs of landowners and communities in Washington state.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 70A.65 RCW, Greenhouse gas emissions—Cap and invest program.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Climate Commitment Act states that ecology shall consider adopting offset protocols that make use of aggregation (the grouping of small projects into a single offset project) and cost-effective provisions for monitoring, reporting, and verification (RCW 70A.65.170). During the public comment period on our initial adoption of chapter 173-446 WAC, ecology received 28 comments from organizations, tribal governments, and individuals recommending offset protocol revisions and additions. Ecology's response to those comments stated the agency's intent to consider new and revised offset protocols in a subsequent rule making. The purpose of this rule making is to broaden the scope of offset protocols available in the cap-and-invest program. This rule making will increase the diversity of offset projects available to cap-and-invest market participants, broadening the scope of potential greenhouse gas reductions in our state.

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 Nikki Harris, Department of Ecology, Climate Pollution Reduction Program, P.O. Box 47600, Olympia, WA 98504-7600, phone 360-764-6018, Washington relay service or TTY call 711 or 877-833-6341, email nikki.harris@ecy.wa.gov, website <https://ecology.wa.gov/Regulations-Permits/Laws-rules-rulemaking/Rulemaking/WAC-173-446-offsets>.

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. Ecology will complete an environmental justice assessment in compliance with RCW 70A.02.060 as a part of this rule making.

September 12, 2023
Joel Creswell, Manager
Climate Pollution Reduction Program

WSR 23-19-029
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH
(Washington Medical Commission)
[Filed September 12, 2023, 1:16 p.m.]

Subject of Possible Rule Making: Military spouse temporary practice permits; WAC 246-918-076 (physician assistants) and 246-919-397 (physicians), How to obtain a temporary practice permit—Military spouse. The Washington medical commission (commission) will consider amending these WAC in response to 2SHB 1009 (chapter 165, Laws of 2023), Military Spouse Employment Act.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.71.017 and 18.130.050; 2SHB 1009 (chapter 165, Laws of 2023).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: 2SHB 1009 provides additional information for issuing this temporary permit, a different definition of military spouse, and other items that are not included in the WAC. The commission will consider amending these WAC to align with the bill more closely.

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

Process for Developing New Rule: Collaborative rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Amelia Boyd, Program Manager, P.O. Box 47866, Olympia, WA 98504-7866, phone 360-918-6336, TTY 711, email amelia.boyd@wmc.wa.gov, website <https://wmc.wa.gov>.

Additional comments: To join the interested parties email list, please visit https://public.govdelivery.com/accounts/WADOH/subscriber/new?topic_id=WADOH_153.

September 8, 2023
Kyle S. Karinen
Executive Director

WSR 23-19-040
PREPROPOSAL STATEMENT OF INQUIRY
UTILITIES AND TRANSPORTATION
COMMISSION

[Filed September 13, 2023, 1:48 p.m.]

Subject of Possible Rule Making: The purpose of this rule making is to consider possible revisions to chapter 480-100 WAC given investor-owned utilities' (IOUs) obligations under the Climate Commitment Act (CCA), codified as chapter 70A.65 RCW. This rule making is being initiated in the context of a pending workshop docket, Docket U-230161, at the utilities and transportation commission (commission).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 80.01.040, 80.04.160, and 19.405.100. RCW 19.405.100(9) provides that the commission may revise rules implementing the Clean Energy Transformation Act (CETA), codified at chapter 19.405 RCW, "as needed to carry out the intent and purposes of this chapter."

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The commission seeks to consider whether it should revise chapter 480-100 WAC given the recent inclusion of IOUs under the CCA.

In 2019, the legislature enacted CETA, which requires IOUs to eliminate coal-fired electricity by 2025, to achieve carbon neutrality by 2030, and to be carbon-free by 2045. CETA requires the commission to review clean energy implementation plans (CEIPs) filed by IOUs, and it provides the commission with broad rule-making authority.

More recently, in 2021, the legislature passed the CCA to reduce greenhouse gas (GHG) emissions from a variety of covered entities. Also referred to as "cap and invest," the law establishes a declining cap on GHG emissions from covered entities and is intended to reduce state emissions by 95 percent by 2050. IOUs subject to CETA are provided "no cost" allowances to mitigate the cost impacts of the CCA on electricity customers. RCW 70A.65.120(1). The department of ecology (department) must allocate no cost allowances to IOUs consistent with a forecast approved by the commission, reflecting each IOUs' supply and demand, as well as the cost burden resulting from inclusion of IOU under the CCA. RCW 70A.65.120(2).

In this rule making, the commission seeks to consider whether chapter 480-100 WAC should be revised given the need for supply and demand forecasts to be submitted to the department for allocation of no cost allowances. The commission specifically intends to consider potential revisions to WAC 480-100-620, 480-100-640, and 480-100-650, which set forth the requirements for integrated resource plans (IRPs), CEIPs, and subsequent reporting and compliance.

The commission seeks to consider other revisions or potential new sections for chapter 480-100 WAC, addressing (1) the use of revenues collected from an IOU through the consignment and auction of no cost allowances for the benefit of ratepayers, and (2) the allocation methodology for any potential costs associated with IOUs' implementation of the CCA.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The department is the primary rule-making agency for purposes of implementing the CCA. Pursuant to WSR 22-20-056, the department adopted rules implementing the cap and invest program in chapter 173-446 WAC. The commission intends to consult with the department in this rule-making proceeding and to limit the scope of this rule making to matters that are

properly within the commission's jurisdiction, such as the commission's approval of IOUs' forecasts and the uses of funds from auctions for ratepayers.

The department of commerce is also charged with implementing CETA as it applies to consumer-owned utilities. However, the CCA contains separate statutory provisions for consumer- and investor-owned utilities. The commission intends to consult with the department of commerce, but the commission does not anticipate that this rule making will have any significant implications for consumer-owned utilities.

Process for Developing New Rule: The commission will ask for initial written comments on the CR-101 by November 17, 2023, will seek additional written comments, and will conduct at least one stakeholder workshop.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kathy Hunter, Acting Executive Director and Secretary, P.O. Box 47250, Olympia, WA 98504-7250, phone 360-664-1160, fax 360-664-1150, TTY 800-833-6283 or 711, email records@utc.wa.gov, website www.utc.wa.gov/200536.

September 13, 2023

Kathy Hunter

Acting Executive Director and Secretary

WSR 23-19-049
PREPROPOSAL STATEMENT OF INQUIRY
CRIMINAL JUSTICE
TRAINING COMMISSION

[Filed September 14, 2023, 12:15 p.m.]

Subject of Possible Rule Making: Revising WAC 139-05-242 and 139-10-222 to remove the 24-month suspension and replace it with an indefinite termination that may only be waived by the executive director or designee.

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: The rule change will cause the Washington state criminal justice training commission (WSCJTC) to require recruits removed from the academy due to an integrity violation to appeal to the executive director, or designee, for future reenrollment to the WSCJTC basic training academies.

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: Intergovernmental rule making that only applies to other governmental agencies or solely impacts the WSCJTC's rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Lacey Ledford, 19010 1st Avenue South, Burien, WA 98148, phone 206-835-7300, email Lacey.Ledford@cjtc.wa.gov, website cjtc.wa.gov.

September 14, 2023
Derek Zable
Records Manager

WSR 23-19-075
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed September 19, 2023, 8:21 a.m.]

Subject of Possible Rule Making: Factory assembled structures (FAS) rules; chapter 296-49A WAC, Director's factory assembled structures advisory board; chapter 296-150P WAC, Recreational park trailers; and chapter 296-150R WAC, Recreational vehicles.

Statutes Authorizing the Agency to Adopt Rules on this Subject: HB 1514, chapter 78, Laws of 2023; SB 5089, chapter 36, Laws of 2023; including chapters 43.22 and 43.22A RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Washington state department of labor and industries (L&I) is considering amendments to FAS rules. The changes would affect L&I's FAS advisory board, and distribution of inspection insignia to manufacturers of recreational vehicles (RVs). The changes are necessary after passage of two bills in 2023 that took effect July 23: HB 1514, chapter 78, Laws of 2023; and SB 5089, chapter 36, Laws of 2023.

HB 1514 streamlines the plan review process. It allows manufacturers of RVs and recreational park trailers to request and purchase insignia while their plans are under review by L&I's FAS program.

SB 5089 was an L&I request bill that amends membership for the FAS advisory board. Changes include:

- Increasing the number of board members from nine to at least 11;
- Adding a representative for allied trades such as electricians, plumbers, and contractors;
- Adding diversity considerations for board appointments; and
- Requiring members to apply for reappointment if serving consecutive terms.

The new statutory amendments also make technical and clean-up changes under chapters 43.22 and 43.22A RCW.

The rule amendments under consideration include:

- Making changes to the plan review requirements for RVs and recreational park trailers for consistency with the changes to the statute under HB 1514;
- Updating the FAS advisory board rules to align with SB 5089, including consideration of adding new members to the advisory board representing the allied trades and other regulated industries; and
- Making various updates and clean-up changes under chapter 296-49A WAC.

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. In addition, L&I will seek input from the FAS advisory committee. The public can also participate after amendments are proposed by providing written comments and testimony during the public hearing and comment process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by

contacting Meagan Edwards, Department of Labor and Industries, Field Services and Public Safety Division, P.O. Box 44400, Olympia, WA 98504-4400, phone 360-522-0125, fax 360-902-6134, email Meagan.Edwards@Lni.wa.gov, website <https://lni.wa.gov/licensing-permits/manufactured-modular-mobile-structures/laws-rules#rule-development>.

September 19, 2023

Joel Sacks
Director

WSR 23-19-077
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
CHILDREN, YOUTH, AND FAMILIES

[Filed September 19, 2023, 9:24 a.m.]

Subject of Possible Rule Making: The following rules in the working connections and child care subsidy programs of the early learning division are being amended: WAC 110-15-0005 Eligibility, 110-15-0024 Categorical eligibility for families receiving child protective, child welfare, or family assessment response services, 110-15-0045 Approved activities for applicants and consumers not participating in Work-First, and 110-15-0075 Determining income eligibility and copayment amounts; other related rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: 2SSB 5225, 2SHB 1525; chapter 43.216 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule making will expand eligibility to people working in licensed child care centers and licensed family homes, specialty and therapeutic court participants, and undocumented children. This rule making will also establish eligibility for families with a parent participating in a state-registered apprenticeship with income less than 85 percent of the state median income who, within the last year, were approved for working connections child care.

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 Toni Sebastian, phone 206-200-0824, email toni.sebastian@dcyf.wa.gov; or Amy Emerson, phone 360-972-5385, email amy.emerson@dcyf.wa.gov.

September 19, 2023
Brenda Villarreal
Rules Coordinator

WSR 23-19-087
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY

[Filed September 20, 2023, 8:35 a.m.]

Subject of Possible Rule Making: WAC 182-513-1110 Presumptive eligibility (PE)—Long-term services and supports (LTSS) in a home setting or in an alternate living facility (ALF) authorized by home and community services (HCS); other related rules as appropriate.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The health care authority (agency) is amending WAC 182-513-1110 to remove presumptive eligibility for long-term services and supports in an ALF. This change is currently effective by emergency rule filed under WSR 23-19-050. The agency adopted WAC 182-513-1110 anticipating federal government approval from the Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS). Currently, CMS has approved presumptive eligibility for LTSS in the person's home, but discussions continue for ALFs. Because federal funding is not yet available, the agency is amending the rule to remove language related to LTSS in an ALF and hopes to restore that language through future rule making upon CMS approval. During this review, the agency 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: Washington state department of social and health services; United States Department of Health and Human Services, CMS.

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

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

September 20, 2023
Wendy Barcus
Rules Coordinator

WSR 23-19-092
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF COMMERCE

[Filed September 20, 2023, 9:32 a.m.]

Subject of Possible Rule Making: Updates and amendments to chapter 194-24 WAC to reflect new versions of Environmental Protection Agency (EPA) EnergyStar standards for electric vehicle supply equipment (EVSE) and residential ventilating fans, and to remove state efficiency standards for air purifiers in light of new federal standards.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 19.260.040(1).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Commerce is proposing to update state efficiency standards for EVSE and residential ventilating fans to reflect more recent versions of the EPA EnergyStar standards listed in RCW 19.260.040 in order to maintain and improve consistency with other comparable standards in other states. Commerce is also proposing to remove the section of chapter 194-24 WAC concerning air purifiers in light of new federal Department of Energy energy conservation standards for air cleaners.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: United States Department of Energy, federal standards in some cases preempt state standards.

Process for Developing New Rule: Standard rule-making process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Nick Manning, 1011 Plum Street S.E., phone 564-200-4324, email nick.manning@commerce.wa.gov, website commerce.wa.gov/appliances.

Additional comments: Commerce maintains an email distribution list for communication with stakeholders. Interested parties may add their names to the distribution list by visiting the web page listed above.

September 20, 2023
Amanda Hathaway
Rules Coordinator

WSR 23-19-093
PREPROPOSAL STATEMENT OF INQUIRY
GAMBLING COMMISSION

[Filed September 20, 2023, 9:53 a.m.]

Subject of Possible Rule Making: The gambling commission (commission) is considering a petition to amend several rules related to the conduct of raffles. The commission also has an interest in adding some requirements to some of the raffle rules. The rules under consideration for amendment include: WAC 230-11-065 Raffle prizes, 230-11-067 Requesting commission approval prior to offering raffle prizes exceeding \$40,000 per prize or \$300,000 in a license year, 230-11-075 Limit number of guests for members-only raffles, 230-11-085 Modified and discounted pricing plans for tickets for members-only raffles, 230-11-086 Discounted pricing plans for tickets to members-only raffles, 230-11-087 Other pricing plans for members-only raffles, and 230-11-105 Retain and store raffle records.

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 petitioners would like to increase the maximum caps on the price of members-only raffle tickets in order to keep up with inflation. They also hope to be able to increase the number of allowable guests at a members-only raffle from 25 to 50 percent. They seek to ease the need to retain a high volume of records. Finally, they would like the thresholds for seeking commission approval for a raffle based on the value of a single prize or prizes in a license year to be raised to, again, keep up with inflation.

Commission staff would like to add additional requirements to raffles offering high-value prizes to protect the raffle organizer and raffle ticket buyers in the event that ticket sales fall short of expectations.

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

Process for Developing New Rule: Regular rule making.

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

September 15, 2023
Lisa C. McLean
Legislative and Policy Manager

WSR 23-19-094
PREPROPOSAL STATEMENT OF INQUIRY
GAMBLING COMMISSION

[Filed September 20, 2023, 9:58 a.m.]

Subject of Possible Rule Making: Repeal of WAC 230-03-155 Submitting a proposed plan of operations for charitable and nonprofit organizations.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The commission has not received an application for large bingo operations in the last 20 years. Other rules already exist imposing additional reporting requirements on charitable and nonprofit organizations with gross gambling receipts of \$3,000,000 or more. The rule is redundant and can be repealed.

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

Process for Developing New Rule: Regular rule making.

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

September 20, 2023
Lisa C. McLean
Legislative and Policy Manager

**WSR 23-19-096
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING**

[Filed September 20, 2023, 10:40 a.m.]

The department of licensing requests the withdrawal of the pre-proposal statement of inquiry for WAC 308-124A-740, filed as WSR 19-07-082, on March 20, 2019.

Ellis Starrett
Rules Coordinator

**WSR 23-19-097
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING**

[Filed September 20, 2023, 10:41 a.m.]

The department of licensing requests the withdrawal of the pre-proposal statement of inquiry for WAC 308-12-055 and 308-12-081, filed as WSR 18-17-077, on August 13, 2018.

Ellis Starrett
Rules Coordinator