

WSR 24-03-063
PREPROPOSAL STATEMENT OF INQUIRY
GAMBLING COMMISSION

[Filed January 12, 2024, 12:08 p.m.]

Subject of Possible Rule Making: The gambling commission (commission) is reviewing its licensing fees to ensure that they are sufficient to cover the commission's costs of licensing, regulation, and enforcement in the coming years.

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: In 2023, the commission adjusted license fees for charitable and nonprofit organizations, commercial stimulant organizations, and for other businesses. The changes were made to ensure the commission was collecting revenue to support increasing expenditures with no staff increases, i.e., salaries and benefits, supplies and equipment, and government services from agencies such as the attorney general's office and department of enterprise services. Five months of revenue and expenditure data with the fee changes show we are not collecting enough revenue to cover all costs of regulation, licensing, and enforcement. Reviewing current anticipated expenditures and the governor's supplemental budget proposal indicates expenditures will continue to increase.

Since current license fees are not projected to be sufficient to cover the commission's costs of licensing, regulation, and enforcement beginning in fiscal year 2025, it is necessary to review the established fees and consider increases that can support the commission's operating costs.

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 McLean, Legislative and Policy Manager, P.O. Box 42400, Olympia, WA 98504-2400, phone 360-486-3440, TTY 360-486-3637, email rules.coordinator@wsgc.wa.gov, website www.wsgc.wa.gov.

January 12, 2024
Lisa McLean
Legislative and Policy Manager

WSR 24-03-078

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF REVENUE

[Filed January 16, 2024, 11:13 a.m.]

Subject of Possible Rule Making: WAC 458-20-252 Hazardous substance tax.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 82.01.060(2), 82.32.300, and 82.21.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: SSB [ESSB] 5993 (2019) added a new volumetric per barrel rate for petroleum products subject to the hazardous substance tax. The purpose of this rule-making effort is to add a definition for the word barrel in RCW 82.21.030 (1)(b), account for volumetric changes caused by temperature and pressure, and other changes to enhance readability of the rule.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Washington department of licensing administers the separate fuel tax. The definitions of "billed gallons," "gross gallons," and "net gallons" will coincide with the fuel tax definitions in WAC 308-77-005.

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 hearing.

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 February 21, 2024, at 9:00 a.m., telephonic/internet meeting only; contact Cathy Holder at CathyH@dor.wa.gov for dial-in/login information.

January 16, 2024
Atif Aziz
Rules Coordinator

WSR 24-03-080

**PREPROPOSAL STATEMENT OF INQUIRY
FORENSIC INVESTIGATIONS COUNCIL**

[Filed January 16, 2024, 12:50 p.m.]

Subject of Possible Rule Making: Amend chapters 218-04 and 218-10 WAC to update rules relating to forensic investigations council meetings, public records processes, and authorization of funding assistance to local jurisdictions for the investigation of multiple deaths and forensic anthropology services or other testing.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.103.090(1).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: It has been over 20 years since the forensic investigations council rules have been amended to reflect changes in its meetings and public records processes. Updated clarification is also needed for the scope and procedures used to authorize funding to local jurisdictions investigating incidents of multiple deaths or seeking forensic anthropology services or other testing.

Process for Developing New Rule: Collaborative process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Mark Nichols, 223 East 4th Street, #11, Port Angeles, WA 98362, phone 360-417-2301, email mark.nichols@clallamcountywa.gov.

January 11, 2024
Mark Nichols
Chair

WSR 24-03-083
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH

[Filed January 16, 2024, 4:49 p.m.]

Subject of Possible Rule Making: Adult elective percutaneous coronary intervention (PCI) certificate of need (CN) requirements, WAC 246-310-700 through 246-310-755. The department of health (department) is considering changes to requirements for adult elective PCI programs in response to rule-making petitions.

In October 2023, the department received a petition for rule making to amend WAC 246-310-720 Hospital volume standards. WAC 246-310-720(1) requires hospitals with elective PCI programs to perform at least 200 adult PCIs per year by their third year. WAC 246-310-720(2) only allows new elective PCI programs to enter a planning area if there are unmet volumes sufficient to establish another program and all existing elective PCI programs meet the minimum volume standard. The petition requests amendment of WAC 246-310-720(2), to eliminate the requirement that existing PCI programs in the planning area must meet the minimum volume standard before a new elective PCI program may be approved.

In 2019, a separate rule-making petition was approved by the department that also requested amendment of WAC 246-310-720, as well as WAC 246-310-745. The department opened the CN rule chapter to address the petition, as well as other changes to CN rules. Ultimately, the department determined addressing CN rule amendments by facility type would be preferable to addressing the entire chapter at once. This rule-making project will consider both petition requests.

The department will consider amendments proposed in petitions to WAC 246-310-720 and 246-310-745. The department will also consider amendments to other PCI rules, WAC 246-310-700 through 246-310-755, as part of this rule project.

Statutes Authorizing the Agency to Adopt Rules on this Subject:
RCW 70.38.135, 43.70.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Pursuant to RCW 34.05.330(1), in response to a petition for rule making, an agency may deny the petition or initiate rule-making proceedings. The department approved the rule-making petition regarding WAC 246-310-720 and is initiating rule making in accordance with RCW 34.05.330(1) to consider the petitioner's requested amendments.

The department is electing to open WAC 246-310-700 to 246-310-755 to consider whether amendments to other PCI rules are needed.

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 Ross Valore, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-236-2955, TTY 711, email cnrulemaking@doh.wa.gov, website www.doh.wa.gov/licenses-permits-and-certificates/facilities-z/certificate-need.

Additional comments: All rule-making notices and rule workshop information is sent to interested parties using GovDelivery. To receive notices, interested persons may sign up by going to <https://public.govdelivery.com/accounts/WADOH/subscriber/new>. After signing up, please click open the box labeled "Health Systems Quality Assurance." Next, click open the box labeled "Community Health Systems" and "Facilities Licensing and Certificate of Need," then check the box

next to "Certificate of Need." Information will also be posted on the website www.doh.wa.gov/licenses-permits-and-certificates/facilities-z/certificate-need.

January 16, 2024
Kristin Peterson, JD
Chief of Policy
for Umair A. Shah, MD, MPH
Secretary

WSR 24-03-087

PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF COMMERCE

[Filed January 17, 2024, 9:40 a.m.]

Subject of Possible Rule Making: Rule-making activities will address the requirements [to] implement certain provisions of HB [E2SHB] 1181. HB [E2SHB] 1181 calls for the addition of a new climate element in the comprehensive plans of cities and counties conducting planning under RCW 36.70A.040, including creation of two climate subelements addressing: (1) Community resilience to climate change; and (2) greenhouse gas emission (GHG) reductions. The legislation also specifies new regulatory authority of the department of commerce (commerce) to review and approve city and county GHG reduction subelements.

Commerce plans to amend the following WAC as part of rule making related to HB [E2SHB] 1181:

- Chapter 365-196 WAC: Commerce will amend this chapter to address requirements of the climate element within comprehensive plans.

Commerce may consider amending the following WAC as part of rule making for [E2SHB] 1181:

- Chapter 365-199 WAC: Clarify the process by which commerce will review and approve GHG reduction subelements submitted to commerce.
- Chapter 365-190 WAC: Address requirements to consider climate change to identify, protect, and enhance natural areas; and to address natural hazards created or aggravated by climate change.
- Chapter 365-195 WAC: Clarify that "best available science" is applicable to the development of the climate element.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 36.70A.190 (4)(b), 36.70A.096, and 36.70A.190(8), which requires commerce to "adopt by rule guidance that creates a model climate change and resiliency element."

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Commerce is conducting rule making in order to "adopt by rule guidance that creates a model climate change and resiliency element" for cities and counties to use when developing comprehensive plan updates (RCW 36.70A.190(8)). Commerce has created guidance for local jurisdictions to comply with RCW 70A.45.120, allowing for local variation due to differences in (among other factors) geographic location, population size, and implementation capacity. Rule making will underscore this approach. Rule making will also create the process by which commerce will review and approve GHG subelements voluntarily submitted under RCW 36.70A.096.

Commerce will ensure that rules are consistent with commerce's guidance, internally consistent, and consistent with rules of other departments.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Department of transportation (chapter 47.80 RCW), department of health (health) (chapter 43.20 RCW; RCW 70A.125.180) and department of ecology (ecology) (RCW 86.12.200; chapter 90.58 RCW). Ecology and health will be conducting separate rule making in coordination with commerce. Commerce hosts monthly meetings with these departments as well as other aligned departments, including the department of fish and wildlife and department of natural resources.

Process for Developing New Rule: Commerce will utilize guidance documents developed to address HB [E2SHB] 1181 requirements, and will solicit feedback from local governments, tribes, community partners, and state agencies through the rule-making process. The public is encouraged to provide comments and recommendations on draft rules posted on the agency website Rulemaking - Washington State Department of Commerce [contact agency for link]. Commerce anticipates hosting focus groups or listening sessions for additional discussion on particular topics. Commerce will consider feedback from these processes before releasing the draft with the proposed rule-making notice (CR-102). The public and all stakeholders will have additional opportunities to comment on draft rules through written comment and testimony during the process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Debra Srebnik, 1011 Plum Street, phone 206-454-2253, email GMSClimate@commerce.wa.gov, website Rulemaking - Washington State Department of Commerce; or Sarah Fox, 1011 Plum Street, phone 360-725-3114, email GMSClimate@commerce.wa.gov, website Commerce Climate Program [contact agency for links].

January 17, 2024
Amanda Hathaway
Rules Coordinator

WSR 24-03-088

PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY

[Filed January 17, 2024, 10:54 a.m.]

Subject of Possible Rule Making: WAC 182-550-4650 "Full cost" public hospital certified public expenditure (CPE) payment program; 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 this rule to add clarifying language to subsection (5)(c). The agency is adding that if the state's applicable federal medical assistance percentage (FMAP) is zero percent, the amount derived in subsection (5)(b) is multiplied by the lowest Washington state specific medicaid FMAP in effect at the time of claim payment. During the course of this review, the agency may identify additional related changes that are required in order to improve clarity or update policy.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The 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 Valerie Freudenstein, Rule-Making Questions, P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-1344, fax 360-586-9727, telecommunication[s] relay services (TRS) 711, email valerie.freudenstein@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking; or Abby Cole, Program Questions, 626 8th Avenue S.E., Olympia, WA 98504, phone 360-725-1835, fax 360-586-9727, TRS 711, email abby.cole@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking.

January 17, 2024
Wendy Barcus
Rules Coordinator

WSR 24-03-093

PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF ECOLOGY

[Order 23-08—Filed January 18, 2024, 8:10 a.m.]

Subject of Possible Rule Making: The department of ecology (ecology) is considering amendments to two rules:

Chapter 173-400 WAC, General regulations for air pollution sources. This chapter establishes standards and rules to control and prevent pollution from air contaminant sources. The rule making will include updating references to an ecology technical manual used in source testing and certification.

Chapter 173-401 WAC, Operating permit regulation. This chapter establishes Washington's air operating permit program to comply with Title V of the Clean Air Act (CAA). Rule amendments to this chapter are needed to remain in alignment with federal regulations and fix an incorrect reference.

The rule making may also consider other amendments to both chapters to clarify language and improve regulatory requirements for air quality.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 70A.15 RCW, Washington Clean Air Act.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: **Chapter 173-400 WAC, General regulations for air pollution sources:**

Amendments to this chapter are needed to incorporate and enforce an updated version of ecology's *Source Test Manual - Procedures for Compliance Testing*. The manual establishes requirements and procedures for industrial emitters, Washington clean air agencies, and other entities conducting testing and certification of stationary air pollution sources. The rule making will involve updating WAC 173-400-040, 173-400-050, 173-400-060, and 173-400-105 to reference the publication date of the new manual, as well as amending WAC 173-400-025 to reflect the new adoption date of the proposed rule.

Ecology staff have identified the most up-to-date, accurate, and safe source testing methods for inclusion in the new manual, which was last published in September 2004. The updated version will also be accessible and formatted for publication on ecology's website following rule adoption.

Chapter 173-401 WAC, Operating permit regulation:

In July 2023, the Environmental Protection Agency (EPA) finalized rule making to repeal the affirmative defense provisions in Title V of the CAA and directed state permitting authorities to make necessary changes to their operating permit programs. These provisions had allowed major air pollution sources to avoid liability in enforcement proceedings by demonstrating that violations of emissions limitations were caused by an "emergency." This rule making will repeal WAC 173-401-645, which establishes affirmative defense procedures in Washington, to align state rules with EPA's decision. In addition, it will correct an incorrect reference in WAC 173-401-925.

Together, these changes will correct outdated rule language and technical guidance, keep ecology's rules aligned with federal regulations and best scientific practices, and make documents more accessible to stakeholders and the public.

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 Adam Saul, Department of Ecology, Air Quality Program, 300 Desmond Drive S.E., Lacey, WA 98503, phone 360-742-7998, Washington relay service or TTY call 711 or 877-833-6341, email adam.saul@ecy.wa.gov, website <https://ecology.wa.gov/Regulations-Permits/Laws-rules-rulemaking/Rulemaking/WAC-173-400-401-air-pollution-sources>.

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 conduct an environmental justice assessment in accordance with RCW 70A.02.060 as a part of this rule making.

January 18, 2024
Kathy Taylor
Air Quality Program Manager

**WSR 24-03-101
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES**

[Filed January 18, 2024, 1:12 p.m.]

The department of labor and industries (L&I) is withdrawing the preproposal statement of inquiry for rule making to develop permanent rules for the compressed air and tunneling industry under chapter 296-36 WAC, Safety standards for compressed air work; and chapter 296-155 WAC, Safety standards for construction work, Part Q, Underground construction, filed on September 18, 2012, and published under WSR 12-19-075.

L&I determined that advancements in technology used for this industry may modify the original intent of this specific rule-making effort. L&I will file another preproposal statement of inquiry (CR-101) when rule-making activity resumes.

If you have any questions, please contact Tracy West, standards program manager, at 509-237-2372.

Maggie Leland
Rules Coordinator

WSR 24-03-102

**PREPROPOSAL STATEMENT OF INQUIRY
PUBLIC DISCLOSURE COMMISSION**

[Filed January 18, 2024, 3:08 p.m.]

Subject of Possible Rule Making: The public disclosure commission (PDC) will consider rules regarding the use of synthetic media in electioneering communications and the implementation of SB [ESSB] 5152 (2023).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 42.62.040 and 42.17A.125.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In 2023, the legislature enacted SB [ESSB] 5152, creating a civil cause of action for a candidate who is the subject of electioneering communications using synthetic media, otherwise known as "deepfakes." The new law did not create any additional regulatory jurisdiction for PDC, but the legislature instructed PDC to adopt rules in furtherance of the purpose of the new law.

Rule making can help to explore the issues related to the emergence of synthetic media technology and the increased use of synthetic media by political campaigns. Potential areas for rule making may include the methods for identifying synthetic media, the scope of disclaimer requirements in electioneering communications, and how the courts should apply the new law.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Federal Elections Commission (FEC), which regulates federal election campaigns, has received a petition for rule making regarding "deepfake" technology that is under consideration. PDC will track what action FEC proposes, as well as contact FEC staff to share information and research as relevant to rule making.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Sean Flynn, 711 Capitol Way South, Suite 206, Olympia, WA 98504, phone 360-753-1111, fax 360-753-1112, email pdc@pdc.wa.gov, website www.pdc.wa.gov.

January 18, 2024

Sean Flynn

General Counsel

WSR 24-03-107
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Aging and Long-Term Support Administration)
[Filed January 18, 2024, 4:37 p.m.]

Subject of Possible Rule Making: The department of social and health services (DSHS) is considering amending WAC 388-112A-0118 What documentation is required for completion of each training?, related to documentation of facility orientation; and other related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.20.270, 70.128.230, 74.08.090, 74.39A.070, and 74.39A.074.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: On December 9, 2022, DSHS filed WSR 23-01-022 to reconcile the differences between chapter 388-71 WAC and chapter 388-112A WAC. Part of that reconciliation was to combine the numerous separate documentation requirements in chapter 388-112A WAC into a single WAC 388-112A-0118. In the process, the requirement that documentation for facility orientation include the date of hire that previously was contained in WAC 388-112A-0240 was inadvertently left out of WAC 388-112A-0118.

This issue was brought to our attention by DSHS field staff that are required to verify when an employee is eligible to work. The absence of this information causes significant issues for licensors, particularly those who are working with new providers. DSHS is seeking to restore to WAC 388-112A-0118 the requirement that documentation for facility orientation include the date of hire.

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; 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 Dave Chappell, Program Manager, 4450 10th Avenue S.E., Lacey, WA 98504-5600, phone 360-725-2516, email david.chappell@dshs.wa.gov.

January 18, 2024
Katherine I. Vasquez
Rules Coordinator

WSR 24-03-108
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
[Filed January 18, 2024, 4:46 p.m.]

Subject of Possible Rule Making: The department of social and health services (DSHS) is planning to amend WAC 388-449-0015 What medical evidence do I need to provide?, and other related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.005, 74.04.050, 74.04.0052, 74.04.055, 74.04.057, 74.04.510, 74.04.655, 74.04.770, 74.08.043, 74.08.090, 74.08.335, and 74.08A.100.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Planned amendments will streamline medical evidence rules for the aged, blind, or disabled (ABD) cash assistance program to allow functional medical evidence to be obtained within 90 days from the date of disability review. If applicable, these amendments may make additional changes required to improve clarity, update policy, or better align rule language with state and federal law or regulations.

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: 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 Aman Gill, P.O. Box 45470, Olympia, WA 98504, phone 360-407-4447, email aman.gill@dshs.wa.gov.

January 18, 2024
Katherine I. Vasquez
Rules Coordinator

WSR 24-03-117
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
RETIREMENT SYSTEMS

[Filed January 19, 2024, 1:58 p.m.]

Subject of Possible Rule Making: Purchasing service credit; substitute teachers and school employees.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.50.050.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Making necessary changes so that Plan 3 members of the teachers' retirement system and the school employees' retirement system who are substitute teachers or school employees can submit requests to purchase service credit by phone or email.

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 Bianca Stoner, Department of Retirement Systems, P.O. Box 48380, Olympia, WA 98504-8380, phone 360-664-7291, TTY 711, email drs.rules@drs.wa.gov, website www.drs.wa.gov/rules.

January 19, 2024
Bianca Stoner
Rules Coordinator

WSR 24-03-120
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE

[Order 24-03—Filed January 19, 2024, 4:03 p.m.]

Subject of Possible Rule Making: The Washington state department of fish and wildlife (WDFW) is considering amending current recreational fishing rules resulting from stakeholder recommendations made during the 2024 North of Falcon process.

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

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

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: There are several other agencies involved in this rule making in association with the Pacific Fisheries Management Council (PFMC) season setting process including the National Oceanic and Atmospheric Agency, Fisheries division (National Marine Fisheries Service). These agencies, as well as WDFW, all provide input and/or take part in the PFMC/North of Falcon season setting meeting.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kelly Henderson, phone 855-925-2801, project code 3210, email 2024nofrecreational@publicinput.com, website <https://publicinput.com/2024nofrecreational>, [background] <https://wdfw.wa.gov/fishing/management/north-falcon>.

Additional comments: Assistance for language translation, alternate format, or reasonable accommodation: Contact Title VI/ADA compliance coordinator, phone 360-902-2349, TTY 1-800-833-6388 or 711, email Title6@dfw.wa.gov. For more information, see <https://wdfw.wa.gov/accessibility/requests-accommodation>.

January 18, 2024
Scott Bird
Rules Coordinator

WSR 24-03-121
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE

[Order 24-02—Filed January 19, 2024, 4:04 p.m.]

Subject of Possible Rule Making: The Washington state department of fish and wildlife (WDFW) is considering amending current Puget Sound commercial salmon fishing rules resulting from stakeholder recommendations made during the 2024 North of Falcon process.

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

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

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

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kelly Henderson, phone 855-925-2801, project code 1380, email 2024nofpscommercial@publicinput.com, website publicinput.com/2024nofpscommercial, background <https://wdfw.wa.gov/fishing/management/north-falcon>.

Additional comments: Assistance for language translation, alternate format, or reasonable accommodation: Contact Title VI/ADA compliance coordinator, phone 360-902-2349, TTY 1-800-833-6388 or 711, email Title6@dfw.wa.gov. For more information, see <https://wdfw.wa.gov/accessibility/requests-accommodation>.

January 18, 2024
Scott Bird
Rules Coordinator

WSR 24-03-122
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE

[Order 24-04—Filed January 19, 2024, 4:04 p.m.]

Subject of Possible Rule Making: The Washington state department of fish and wildlife (WDFW) is considering amending current coastal commercial salmon fishing rules resulting from stakeholder recommendations made during the 2024 North of Falcon process.

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

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

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

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kelly Henderson, phone 855-925-2801, project code 2599, email 2024nofcoastalcommercial@publicinput.com, website publicinput.com/2024nofcoastalcommercial, background <https://wdfw.wa.gov/fishing/management/north-falcon>; or Barbara McClellan, 48 Devonshire Road, Montesano, WA 98563, fax 360-249-1229, email Barbara.McClellan@dfw.wa.gov.

Additional comments: Assistance for language translation, alternate format, or reasonable accommodation: Contact Title VI/ADA compliance coordinator, phone 360-902-2349, TTY 1-800-833-6388 or 711, email Title6@dfw.wa.gov. For more information, see <https://wdfw.wa.gov/accessibility/requests-accommodation>.

January 18, 2024
Scott Bird
Rules Coordinator

WSR 24-03-126
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH

[Filed January 22, 2024, 9:58 a.m.]

Subject of Possible Rule Making: WA HEALTH statewide emergency and logistics tracking system; reporting of health system readiness data for acute care facilities and behavioral health agencies and facilities. The department of health (department) is considering amending Title 246 WAC to require acute care hospitals licensed under chapter 70.41 RCW to report hospital maintenance and operation data to the department through the Washington Healthcare Emergency and Logistics Tracking Hub (WA HEALTH), a statewide data management system. The department is considering permanently adopting content from the current emergency rules regarding WA HEALTH which has been in place since 2020 and most recently renewed on December 22, 2023, filed as WSR 24-02-023. The department will also consider requiring behavioral health agencies and facilities licensed under RCW 71.24.037 to report hospital maintenance and operation data to the department through WA HEALTH.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.70.130, 43.70.040; chapter 70.41 RCW; RCW 70.41.030 and 71.24.037.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is considering permanent implementation of the WA HEALTH data management system for acute care facilities and behavioral health agencies and facilities by requiring their participation in entering data to the WA HEALTH system.

Permanent rule making for the WA HEALTH program may be necessary due to the ongoing and critical role it plays in responding to public health threats, especially in the context of the COVID-19 pandemic. The emergency rule, which currently mandates acute care facilities to report data to WA HEALTH, was initially put into place in response to the governor's proclamation during the onset of the pandemic. As the pandemic unfolded, the importance of having access to a comprehensive data set became evident for making timely and informed decisions at both state and local levels. Having access to current key health care data empowers the state's decision makers to respond more effectively to public health threats.

WA HEALTH currently tracks acute care facilities, which gives a common operating picture of Washington's emergency readiness against ongoing and new health crises in Washington and improves awareness of acute care capacity issues improving efficiency for patients transferring from acute care facilities to behavioral health facilities.

The department is also considering the addition of licensed or certified behavioral health agencies (BHAs) to this permanent rule. During the height of the COVID-19 pandemic, some acute care facilities struggled with "difficult to discharge" situations where some patients needed to be discharged to a behavioral health facility rather than home, but the state has no centralized online repository of available beds in behavioral health facilities. This slowed down discharge to open a needed bed for other patients. RCW 71.24.037(14) requires BHAs to "file with the department or the authority upon request, data, statistics, schedules, and information the department or the authority reasonably requires." RCW 73.24.037 provides the department with the authority to adopt rules.

WA HEALTH has proven to be a valuable tool not only during the pandemic but also in its aftermath. It provides situational awareness on various critical factors such as respiratory infection cases, bed occupancy, equipment, and supplies. The program's effectiveness in supporting health care leaders to make informed decisions underscores the necessity of formalizing its role through permanent rule making. Implementing WA HEALTH as a permanent rule would encourage facilities to continue reporting data critical to Washington's emergency readiness and improve patient placement to behavioral health facilities who often cannot find placement in the current environment.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The department will continue to closely coordinate with The National Healthcare Safety Network (NHSN) to comply with federal reporting requirements. The department will continue reporting data to NHSN on behalf of the facilities reporting to WA HEALTH, reducing the burden of facilities to report their data to multiple entities.

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 Tyler Nowlan, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-790-1453, TTY 711, email Tyler.Nowlan@doh.wa.gov; or Brent Hoffman, P.O. Box 47852, Olympia, WA 98504-7852, phone 253-331-8543, TTY 711, email Brent.Hoffman@doh.wa.gov.

Additional comments: Individuals who would like to follow or participate in this rule making may use the above contact information to be put on an interested parties list and be informed of future rule-making activity.

January 22, 2024
Kristin Peterson, JD
Chief of Policy
for Dr. Umair A. Shaw MD, MPH
Secretary

WSR 24-03-132
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
RETIREMENT SYSTEMS

[Filed January 23, 2024, 9:35 a.m.]

Subject of Possible Rule Making: SECURE Act 2.0, deferred compensation deferral dates.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.50.050.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Making necessary changes to implement deferred compensation deferral dates under the federal SECURE Act 2.0.

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 Bianca Stoner, Department of Retirement Systems, P.O. Box 48380, Olympia, WA 98504-8380, phone 360-664-7291, TTY 711, email drs.rules@drs.wa.gov, website www.drs.wa.gov/rules.

January 23, 2024
Bianca Stoner
Rules Coordinator

WSR 24-03-137
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH

[Filed January 23, 2024, 12:54 p.m.]

Subject of Possible Rule Making: X-rays in the healing arts, specifically concerning radiation therapy, fluoroscopic X-ray, and plan review shielding requirements. The department of health (department) is considering amending existing rules WAC 246-225-020 and 246-225-030 and creating new rules in chapter 246-225 WAC, X-rays in the healing arts, to address technological advances in radiation therapy and fluoroscopic X-ray, establish machine performance and quality control standards, and to address plan review shielding requirements. Amendments to radiation therapy rules considered by the department will apply only to machine-generated ionizing radiation, and not radiopharmaceuticals or radioactive materials.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70A.388.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Radiation therapy is a high-dose modality of radiation used in lifesaving efforts to treat cancer and in the treatment of other medical conditions. The intent of this rule making is not to restrict the amount of radiation an individual receives, but rather to establish rules to ensure individuals receive the prescribed dose in the correct location, and to ensure the safety of staff administering radiation by establishing machine performance and quality control standards.

With advancements in computer technology and X-ray tube potential, fluoroscopic X-ray machines have far outpaced the rules in effect today. Fluoroscopic X-ray machines are now capable of delivering substantially more radiation output than when rules for the use of it were first established in the mid-1990s. Fluoroscopic radiation is one of the highest amounts of radiation delivered to members of the public and is used to assist in many medical procedures. Amendments may be necessary to ensure public health and safety with the use of fluoroscopic X-ray.

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

Process for Developing New Rule: The department will use a collaborative rule-making approach.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Ashlie Laydon, P.O. Box 47822, Olympia, WA 98504-7822, phone 360-236-3000, TTY 711, website www.doh.wa.gov, radruleupdates@doh.wa.gov; or Richard Montemarano, P.O. Box 47822, Olympia, WA 98504-7822, phone 360-522-3774, website www.doh.wa.gov.

Additional comments: The department will keep interested parties informed of the rule development through email and by posting information on the department's rule-making website. Interested parties will have the opportunity to provide comments throughout the rule-making process, during the formal comment period, and at the public hearing. Interested parties may contact Ashlie Laydon or Richard Montemarano to be added to the interested parties list.

January 23, 2024
Kristin Peterson, JD
Chief of Policy
for Umair A. Shah, MD, MPH

WSR 24-03-138
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH

[Filed January 23, 2024, 12:58 p.m.]

Subject of Possible Rule Making: Temporary worker housing fees; the department of health (department) is considering amending fees in WAC 246-358-990 to cover operating costs in the temporary worker housing program. The department will consider updating or restructuring existing fees and creating new fees.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 70.114A RCW; RCW 43.70.334, 43.70.335, and 43.70.340.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: RCW 43.70.335 and 43.70.340 require temporary worker housing owners and operators to have an annual operating license and pay a fee. The department is required to charge a fee for each operating license issued to owners or operators of temporary worker housing facilities regulated by the department. The fee must cover the cost of administering a license and enforcing the department's temporary worker building code according to RCW 70.114A.081. The department conducted an initial assessment of the program and determined the current fee is not generating sufficient revenue to cover the program's costs. As a result, the department is considering updating or proposing new fees for temporary worker housing facilities to cover the costs of the program.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The department of labor and industries and employment security department also regulate temporary worker housing facilities. The department is the responsible agency according to RCW 70.114A.040 to coordinate activities. The department has memorandum of understanding agreements with both agencies that identify respective roles and responsibilities.

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 Peter Beaton, P.O. Box 47820, Olympia, WA 98504-7820, phone 360-236-4031, TTY 711, email peter.beaton@doh.wa.gov, website www.doh.wa.gov; or Juan Gamez Briceno, P.O. Box 47820, Olympia, WA 98504-7820, phone 360-628-6620, TTY 711, email juan.gamezbriceno@doh.wa.gov, website www.doh.wa.gov.

Additional comments: The department will use a collaborative rule making approach by keeping interested parties informed of the rule development through GovDelivery email, and posting information on the department's rule-making websites. Interested parties will have the opportunity to provide comments throughout the rule-making process and at the public hearing.

January 23, 2024
Kristin Peterson, JD
Chief of Policy
for Umair A. Shah, MD, MPH
Secretary

WSR 24-03-145
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH

[Filed January 23, 2024, 2:58 p.m.]

Subject of Possible Rule Making: Amending radioactive materials licenses and fees. The department of health (department) is considering amending radioactive material licenses and licensees fees to cover operating costs for WAC 246-254-030 Small business discount provision and optional fee payment schedule applicable to radioactive materials licensees, 246-254-070 Fees for specialized radioactive material licenses, 246-254-080 Fees for medical and veterinary radioactive material use, 246-254-090 Fees for industrial radioactive material licenses, 246-254-100 Fees for laboratory radioactive material licenses, and 246-254-120 Fees for licensing and compliance actions.

The department will consider updating or restructuring existing fees or creating new fees.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.70.110, 43.70.250, and 70A.388.050.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is required to charge a fee for each operating license issued to radioactive material license holders regulated by the department. The fees must cover the cost of administering a license and enforcing the program. The department completed an initial assessment of the radioactive materials program and determined the fees are not generating sufficient revenue to cover the costs of the program. The program is also reviewing radioactive materials classifications and will consider updating or restructuring existing fees and will consider new fees for radioactive materials licenses.

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.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Peter Beaton, P.O. Box 47820, Olympia, WA 98504-7820, phone 360-236-4031, TTY 711, email peter.beaton@doh.wa.gov, website www.doh.wa.gov; or Earl Fordham, P.O. Box 47820, Olympia, WA 98504-7820, phone 509-628-7628, TTY 711, email earl.fordham@doh.wa.gov, website www.doh.wa.gov.

Additional comments: The department will use a collaborative rule-making approach by keeping interested parties informed of the rule development through email and posting information on the department's rule-making websites. Interested parties will have the opportunity to provide comments throughout the rule-making process and at the public hearing. Please contact Peter Beaton or Earl Fordham to be added to the interested parties list to receive rule-making notices.

January 23, 2024
Kristin Peterson, JD
Chief of Policy
for Umair A. Shah, MD, MPH
Secretary

WSR 24-03-161
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY

[Filed January 24, 2024, 8:04 a.m.]

Subject of Possible Rule Making: WAC 182-531A-0900 Applied behavior analysis (ABA)—Covered services; 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 this rule to specify that HCA's applied behavior analysis program does not pay for services provided by a client's parent, guardian, caregiver, or other support person. During this review, HCA 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 health.

Process for Developing New Rule: HCA 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, HCA 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 Alyssa Jennings, Program Questions, P.O. Box 45502, Olympia, WA 98504-5502, phone 360-725-1194, fax 360-586-9727, TRS 711, email alyssa.jennings@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking.

January 24, 2024
Wendy Barcus
Rules Coordinator

WSR 24-03-162

PREPROPOSAL STATEMENT OF INQUIRY

CENTRALIA COLLEGE

[Filed January 23, 2024, 4:35 p.m.]

Subject of Possible Rule Making: Skateboarding.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 34.05 RCW and RCW 28B.50.140(13).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rules regarding the use of skateboarding on campus have been incorporated into another policy and WAC 132L-136-026 may now be deleted.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: State board of [for] community and technical colleges.

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 Janet Reaume, 600 Centralia College Boulevard, Centralia, WA 98531, phone 360-623-8589, email janet.reaume@centralia.edu, website centralia.edu.

December 4, 2023

Janet Reaume

Executive Assistant to the President

WSR 24-03-163

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF AGRICULTURE

[Filed January 24, 2024, 8:45 a.m.]

Subject of Possible Rule Making: Chapter 16-662 WAC, Weights and measures—National Handbooks, sale of motor fuel, electric vehicle supply equipment, and penalties for violations. As a result of a petition for rule making, the department of agriculture (department) is considering amending chapter 16-662 WAC to align with the Federal Highway Administration's National Electric Vehicle Infrastructure (NEVI) program's technical requirements for electric vehicle supply equipment (EVSE) payment methods.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 19.94.010, 19.94.190, 19.94.565.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department's weights and measures program protects consumer rights and confidence in the marketplace by ensuring the accuracy in commercial transactions through testing and inspecting commercial devices, price verification, package inspection, public education, monitoring fuel quality, and investigating complaints.

During the 2021 legislative session, the Washington state legislature passed 2SSB 5192 related to EVSE. This legislation directed the department to adopt rules regarding methods of payment. On December 16, 2022, the department adopted rules establishing minimum payment requirements for EVSE, which included having a credit card reader device physically located on either the EVSE unit or a kiosk used to service that equipment. That device must be able to accept a Euro MasterCard Visa (EMV) chip. This rule became effective January 1, 2024.

On July 28, 2023, a group of electric vehicle service provider (EVSP) organizations petitioned the department to amend the required minimum payment methods adopted in WAC 16-662-210 to align with the NEVI program requirements established in February 2023. These requirements include a contactless payment method that accepts major debit and credit cards. They do not require a physical credit card reader device to be installed on the EVSE or kiosk. In response to the NEVI technical requirements adoption in July 2023, California aligned their EVSE payment regulations with the technical requirements of NEVI, specifically removing the requirement for an EMV chip reader to be installed on the EVSE. Due to these changes, Washington will be the only state with a state-level regulation requiring EVSE to provide an EMV chip reader.

In deciding what amendments should be included in the final rule language, the department intends to review all available information to ensure consistency with evolving technology and access for all current and future users of electric vehicles, including those who are unbanked, underbanked, and low-moderate income.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The department will consult with the utilities and transportation commission and the department of commerce on the proposed rule.

Process for Developing New Rule: Department staff will discuss any proposed amendments with affected stakeholder groups. Affected stakeholders will also have an opportunity to submit written comments on the proposed rules during the public comment period and will be able to present oral testimony at the public hearings.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Tahis McQueen, Acting Manager, Weights and Measures Program, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, phone 360-481-7452, fax 360-902-2094, TTY 800-833-6388 or 711, email TMcQueen@agr.wa.gov, website <https://agr.wa.gov/services/rulemaking>; or Greg Haubrich, Acting Assistant Director, Plant Protection Division, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, phone 360-902-2071, fax 360-902-2094, TTY 800-833-6388 or 711, email GHaubrich@agr.wa.gov, website <https://agr.wa.gov/services/rulemaking>.

December 5, 2023
Greg Haubrich
Assistant Director

WSR 24-03-164

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF LICENSING

[Filed January 24, 2024, 9:04 a.m.]

Subject of Possible Rule Making: Chapter 308-124 WAC, Real estate—Definitions and brief adjudicative proceedings.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.85.041 Director—General powers and duties.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department of licensing is considering rule making to define "as soon as reasonably practical" related to the timeline for entering into a written services agreement, per SSB 5191 passed during the 2023 legislative session, and other rule changes as identified during chapter rule review.

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

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kelsey Stone, 1125 Washington Street S.E., Olympia, WA 98513, phone 360-902-0131, email rulescoordinator@dol.wa.gov; or Catharine Naegeli, 405 Black Lake Boulevard S.W., Olympia, WA 98502, phone 360-664-1891, email catharine.naegeli@dol.wa.gov.

January 24, 2024

Ellis Starrett

Rules and Policy Manager