

WSR 21-06-004
PREPROPOSAL STATEMENT OF INQUIRY
CLOVER PARK
TECHNICAL COLLEGE

[Filed February 17, 2021, 2:53 p.m.]

Subject of Possible Rule Making: Student code of conduct for Clover Park Technical College.

Statutes Authorizing the Agency to Adopt Rules on this Subject: WAC 495C-121-020 and 495C-121-030; RCW 28B.50.140; WSR 1411070 [14-11-070].

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: These rules govern student disciplinary actions and appeals.

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 Dean Kelly, 4500 Steilacoom Boulevard S.W., Lakewood, WA 98499, phone 253-589-6066, fax 253-589-5750, email dean.kelly@cptc.edu.

February 17, 2021
Dean Kelly
Interim Vice President
Student Success

WSR 21-06-019

PREPROPOSAL STATEMENT OF INQUIRY
FOREST PRACTICES BOARD

[Filed February 22, 2021, 9:45 a.m.]

Subject of Possible Rule Making: Experimental harvest within the five hundred foot terminus buffer of a Type Np nonfish-bearing stream in Northeast Washington (WAC 222-30-022 (2)(iii)(c)(III)).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 76.09.040, 34.05.313.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule is necessary to authorize a single cooperating forest landowner company to conduct a harvest within the riparian area of a single nonfish-bearing stream (Type Np) in excess of what is permitted currently in the forest practices rules (WAC 222-30-022(2)). This deviation from the rules is needed to allow the stream to be included in a scientific study to examine the effect of not harvesting along segments of Type Np which seasonally go dry. This study is being conducted by the state's formal forest practices board's (FPB) adaptive management program (AMP) with regulatory oversight by the state department of natural resources. The pilot rule applies only to the one landowner for only the one section of stream identified as needed by the researchers with the AMP. The specific provision of the existing regulations this pilot rule would not adhere to is WAC 222-30-022 (2)(iii)(c)(III), which specifies that clear-cuts "(III) Not be located within five hundred feet of the intersection of a Type S or F Water." The upper portion of the last five hundred feet of the study stream would be clear-cut under this pilot rule to examine the environmental effects of clear-cut harvesting a section of Np stream that goes dry in the summer.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The state FPB is the oversight agency with the authority to approve this pilot activity. The pilot rule is being requested as part of the formal state FPB's adaptive management program which is overseen by a large group of interested entities including the departments of ecology, fish and wildlife, agriculture, and commerce, along with the federal United States Fish and Wildlife and National Marine Fisheries Agency.

Process for Developing New Rule: Pilot rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Patricia Anderson, FPB Rules Coordinator, Department of Natural Resources, Forest Practices Division, 1111 Washington Street East, 4th floor, P.O. Box 47012, Olympia, WA 98504-7012, phone 360-902-1413, fax 360-902-1428, email forest.practicesboard@dnr.wa.gov.

Additional comments: The Eastern Washington Type N riparian effectiveness monitoring project is an active field study being conducted by the state's forest practices adaptive management program. The timber fish and wildlife policy committee along with the cooperative monitoring, evaluation, and research (CMER) committee have requested the FPB establish a pilot rule to allow the study to more effectively test the effect of buffering and not-buffering sections of Type Np (nonfish-bearing perennial) streams that seasonally go dry. One section of one of the available study sites was found suitable for testing the effect of clearcutting along a seasonally dry stream segment. This segment of stream, however, extends into the final five hundred

feet of the Np stream upstream of a Type F (fish-bearing) stream where the rules require a continuous buffer be retained. Pilot rules have been used in prior studies developed by CMER to allow cooperating landowners to selectively deviate from specific elements of the rules in order to test rule alternatives or to ensure consistent harvest intensities across test sites.

February 10, 2021
Stephen Bernath
Chair

**WSR 21-06-022
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

[Filed February 22, 2021, 1:20 p.m.]

The economic services administration requests the withdrawal of Preproposal statement of inquiry notice filed as WSR 20-15-122 on July 17, 2020 (WAC 388-484-0006), regarding TANF/SFA time limit extensions.

Katherine I. Vasquez
Rules Coordinator

WSR 21-06-089
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed March 2, 2021, 9:06 a.m.]

Subject of Possible Rule Making: Outpatient hospitals (medical aid rules), WAC 296-23A-0700 What is the "ambulatory payment classification" (APC) payment system?, and 296-23A-0740 How does the department calculate payments for covered outpatient services through the outpatient prospective payment system (OPPS)?

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 51.04.020 and 51.04.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The two rules the department of labor and industries (L&I) is considering amending are in conflict with each other because the underlying federal regulations by the Centers for Medicare and Medicaid Services changed on January 1, 2017, creating the conflict between the two listed rules. Amending and aligning the conflicting rules would eliminate any confusion regarding L&I's outpatient hospital payment policy.

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

Process for Developing New Rule: L&I notifies external stakeholders through the GovDelivery system for reimbursement issues related to our rules. Any changes will be communicated to stakeholders and published via the GovDelivery system and opened up to public comment per the rule change process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Dee Hahn, L&I, Health Services Analysis, P.O. Box 44322, Olympia, WA 98504-4322, phone 360-902-6828, fax 360-902-4249, email Dee.Hahn@Lni.wa.gov.

March 2, 2021
Joel Sacks
Director

WSR 21-06-094
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES
(Board of Boiler Rules)
[Filed March 2, 2021, 12:51 p.m.]

Subject of Possible Rule Making: Consideration of boiler and pressure vessel fee increase under WAC 296-104-700 What are the inspection fees—Examination fees—Certificate fees—Expenses?

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 70.79 RCW, Boilers and unfired pressure vessels.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The board of boiler rules and department of labor and industries is considering increasing fees by 5.79 percent for boiler and pressure vessel inspections and other boiler program public safety activities. This is the office of financial management's maximum allowable fiscal growth rate for fiscal year 2022. The current fee levels are not adequate enough to cover current program expenses. A fee increase is needed to ensure the programs' revenues match expenditures; otherwise, service levels may need to be reduced.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: There are no other federal and/or state agencies regulating this subject that requires coordination of the rules.

Process for Developing New Rule: The board of boiler rules reviews and approves all rule changes. Interested parties can participate in the adoption process for the new rules and formulation of the proposed rules before publication by contacting the individual listed below. The public can also participate, after amendments are proposed, by providing written comments and/or testimony during the public hearing and comment process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Alicia Curry, P.O. Box 44400, Olympia, WA 98504-4400, phone 360-902-6244, fax 360-902-5292, email Alicia.Curry@Lni.wa.gov, website <https://www.lni.wa.gov/rulemaking-activity/?query=boiler>.

March 2, 2021
Terry Chapin, Chair
Board of Boiler Rules

WSR 21-06-096
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
[Filed March 2, 2021, 1:15 p.m.]

Subject of Possible Rule Making: The department is planning to amend WAC 388-484-0006 TANF/SFA time limit extensions, and other related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.770, and 74.08.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Amendments are planned to address impacts of legislative changes and emergency conditions on TANF/SFA time limit extension policy.

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

Process for Developing New Rule: Department 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 Sarah Mintzer, P.O. Box 45470, Olympia, WA 98504-5470, phone 360-764-0050, fax 360-725-4905, email macksb@dshs.wa.gov.

March 2, 2021
Katherine I. Vasquez
Rules Coordinator

WSR 21-06-104
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed March 2, 2021, 4:47 p.m.]

Subject of Possible Rule Making: Updates to chapter 296-400A WAC, Plumber certification rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 153, Laws of 2020, SB 6170; and chapter 18.106 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Labor and industries (L&I) is considering adopting rules to amend chapter 206-400A WAC, Plumber certification rules, in order to implement the legislative changes made within 2020's Plumbing Act (chapter 153, Laws of 2020, SB 6170) that will addresses the following:

- Adjusting fees related to journey level and specialty plumber certification;
- Modifying how plumbing contractors license, renew, and reinstate their license;
- Modifying plumbing certificates and competency examinations;
- Modifying records and licenses plumbing contractors need to keep and report; and
- Adding and amending definitions.

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: L&I will develop the rule language with input from stakeholders. Interested parties may participate in the decision to adopt the amended rules and formulation of the rules before publication by contacting the individual below. The public may also participate, after amendments are proposed by providing written comments and/or testimony during the public hearing and comment period.

For more information on this rule making, visit L&I's Rulemaking Activity website at <https://www.lni.wa.gov/rulemaking-activity/?query=296-400A> or contact the individual below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Beverly Clark, P.O. Box 44470, Olympia, WA 98504-4470, phone 360-902-6272, fax 360-902-5292, email Beverly.Clark@Lni.wa.gov.

March 2, 2021
Joel Sacks
Director

WSR 21-06-106

PREPROPOSAL STATEMENT OF INQUIRY

PENINSULA COLLEGE

[Filed March 3, 2021, 8:45 a.m.]

Subject of Possible Rule Making: Repeal of WAC 132A-280-006 through 132A-280-085, confidentiality of student records, notification of rights under this chapter.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.50.140; and chapter 28B.50 RCW. WSR 99-15-072, WAC 132A-280-085, filed 7/20/99, effective 8/20/99.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule is no longer needed as it is governed by federal 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: Repeal: This rule is governed by federal policy and is no longer needed.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jack Huls, VP, Student Services, Peninsula College, 1502 East Lauridsen Boulevard, Port Angeles, 98362, phone 360-417-6231, email jhuls@pencol.edu, website www.peninsulacollege.edu; or Kelly Griffith, Peninsula College, 1502 East Lauridsen Boulevard, Port Angeles, 98362, phone 360-417-6201, email kgriffith@pencol.edu, website www.peninsulacollege.edu.

March 2, 2021
Kelly L. Griffith
Rules Coordinator

WSR 21-06-107
PREPROPOSAL STATEMENT OF INQUIRY
PENINSULA COLLEGE

[Filed March 3, 2021, 8:46 a.m.]

Subject of Possible Rule Making: Title IX regulations (85 F.R. 30757) that address the grievance process for formal complaints of sexual harassment. Updates to the college's student conduct code are necessary to be compliant with federal regulations. Chapter 132A-125 WAC will be repealed in its entirety and new chapter 132A-126 WAC will be submitted. A CR-103E was filed on February 17, 2021 (WSR 21-06-001).

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: On May 19, 2020, the Federal Register printed amendments to Title IX regulations (85 F.R. 30757). The new regulations address the grievance process for formal complaints of sexual harassment and were scheduled to take effect on August 14, 2020. A CR-103E was filed on February 17, 2021 (WSR 21-06-001). Updates to the college's student conduct code are necessary to be compliant with federal regulations. Chapter 132A-125 WAC will be repealed in its entirety and new chapter 132A-126 WAC will be submitted.

Process for Developing New Rule: On May 19, 2020, the Federal Register printed amendments to Title IX regulations (85 F.R. 30757). The new regulations address the grievance process for formal complaints of sexual harassment and were scheduled to take effect on August 14, 2020.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jack Huls, VP, Student Services, Peninsula College, 1502 East Lauridsen Boulevard, Port Angeles, 98362, phone 360-417-6231, email jhuls@pencol.edu, website www.peninsulacollege.edu; or Kelly Griffith, Peninsula College, 1502 East Lauridsen Boulevard, Port Angeles, 98362, phone 360-417-6201, email kgriffith@pencol.edu, website www.peninsulacollege.edu.

March 2, 2021
Kelly L. Griffith
Rules Coordinator

WSR 21-06-113
PREPROPOSAL STATEMENT OF INQUIRY
CRIMINAL JUSTICE
TRAINING COMMISSION

[Filed March 3, 2021, 10:05 a.m.]

Subject of Possible Rule Making: Law Enforcement Training and Community Safety Act—Independent Investigations Criteria (LETCSA), chapter 139-12 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 10.114.011.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Due to new legislation and attorney general office report, the Washington state criminal justice training commission is seeking to update and clarify language for independent investigational teams to conduct independent investigations of police use of deadly force.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: RCW 10.114.011 specifically excludes federal consent decree, federal settlement agreement, or federal court order that holds authority over a law enforcement agency. No other state agency regulates this process. Coordination with federal or other state agencies is not required.

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 206-835-7350, email Dzable@cjtc.wa.gov, website cjtc.wa.gov.

March 3, 2021
Derek Zable
Government Affairs and
Agency Records Manager

WSR 21-06-116
PREPROPOSAL STATEMENT OF INQUIRY
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed March 3, 2021, 10:26 a.m.]

Subject of Possible Rule Making: WAC 392-344-130 Disbursements of moneys—Sequence of payments.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.525.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The office of superintendent of public instruction (OSPI) is considering rule making to allow OSPI flexibility to disburse state funding assistance for school district projects which are also receiving small district modernization grant funds to assist school districts in minimizing project financing costs and provide additional time for a school district to secure sufficient local funding to meet its local funding obligations.

Process for Developing New Rule: Early solicitation of feedback and recommendations respecting new or amended rules, and consideration of the comments and recommendations in the course of drafting rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Scott Black, OSPI, P.O. Box 47200, Olympia, WA 98504, phone 360-742-4028, TTY 360-664-3631, email schoolfacilitiesrules@k12.wa.us, website k12.wa.us.

March 3, 2021
Chris P. S. Reykdal
State Superintendent
of Public Instruction