

WSR 21-08-004

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF CORRECTIONS

[Filed March 24, 2021, 2:51 p.m.]

Subject of Possible Rule Making: Chapter 137-25 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject:
RCW 72.01.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The purpose of making changes to this section of the WAC is to remove work release from the applicability [application]. This change allows for the update to chapter 137-56 WAC which will separate partial and total confinement, include all partial confinement programs, and identify progressive discipline within partial confinement.

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

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Carrie Trogdon-Oster, Operations Administrator, Department of Corrections, Reentry Division, 1550 4th Avenue South, Seattle, WA 98134, phone 253-377-7636, email cvtrogdonoster@doc1.wa.gov; or Vadim Chebotar, Senior Contracts Attorney, Department of Corrections, Contracts and Legal Affairs, P.O. Box 41114, Tumwater, WA 98504, phone 253-261-1465, email Vadim.chebotar@doc.wa.gov, website www.doc.wa.gov.

March 24, 2021
Stephen Sinclair
Secretary

WSR 21-08-005
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF CORRECTIONS

[Filed March 24, 2021, 2:52 p.m.]

Subject of Possible Rule Making: Chapter 137-56 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject:
RCW 72.01.090.

Reasons Why Rules on this Subject may be Needed and What They
Might Accomplish: Establish current and relevant rule violations with
progressive discipline for partial confinement settings under the ju-
risdiction of the department. This process includes adding graduated
reentry - electronic home monitoring, work/training release facilities
and the community parenting alternative - FOSA.

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

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the
new rule and formulation of the proposed rule before publication by
contacting Carrie Trogdon-Oster, Operations Administrator, Department
of Corrections, Reentry Division, 1550 4th Avenue South, Seattle, WA
98134, phone 253-377-7636, email cvtrogdonoster@doc1.wa.gov; or Vadim
Chebotar, Senior Contracts Attorney, Department of Corrections, Con-
tracts and Legal Affairs, P.O. Box 41114, Tumwater, WA 98504, phone
253-261-1465, email Vadim.chebotar@doc.wa.gov, website www.doc.wa.gov.

March 24, 2021
Stephen Sinclair
Secretary

WSR 21-08-032

PREPROPOSAL STATEMENT OF INQUIRY

LOWER COLUMBIA COLLEGE

[Filed March 31, 2021, 9:56 a.m.]

Subject of Possible Rule Making: WAC 132M-104-010 rule on regular meeting for board of trustees, and 132M-108-020 Brief adjudicative procedure.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.50.140.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: WAC 132M-104-010 rule on regular meeting for board of trustees is duplicative and in part inconsistent with the Open Public Meetings Act (RCW 42.30.075).

WAC 132M-108-020 Brief adjudicative procedure, needs minor grammatical and formatting corrections and also needs clarification that this WAC applies to appeals pursuant to any other formal rule adopted by the college which specifically provides for a brief adjudicative procedure.

Process for Developing New Rule: Normal rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kendra Sprague, 1600 Maple Street, Longview, WA 98632, phone 360-442-2121, fax 360-442-2129, TTY 800-833-6388, email ksprague@lowercolumbia.edu, website <https://lowercolumbia.edu/disclosure/rulemaking.php>.

March 30, 2021
Kendra Sprague
Vice President of Foundation,
HR, and Legal Affairs

WSR 21-08-035
PREPROPOSAL STATEMENT OF INQUIRY
LIQUOR AND CANNABIS
BOARD

[Filed March 31, 2021, 11:17 a.m.]

Subject of Possible Rule Making: WAC 314-55-077 Marijuana processor license—Privileges, requirements and fees, 314-55-079 Marijuana retailer license—Privileges, requirements and fees. The Washington state liquor and cannabis board (board) is considering rule amendments that would allow the board to take disciplinary action against any licensed marijuana processor or retailer failing to comply with the provisions of WAC 246-80-021, concerning the sale of vitamin E acetate. No other amendments or revisions to these sections are being considered at this time.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 69.50.342, 69.50.345; HB 2826 (chapter 133, Laws of 2020), now codified in RCW 69.50.101, 69.50.327, 69.50.342.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Based on its authority under RCW 69.50.342 (1)(m), the board prohibited use of vitamin E acetate by any person licensed under chapter 69.50 RCW by emergency rule WAC 314-55-1065 on September 16, 2020, as WSR 20-19-080, and by extension on January 6, 2021, as WSR 21-02-092. These amendments allow the board to take disciplinary action against any licensed marijuana processor or retailer failing to comply with the provisions of WAC 314-55-1065.

The Washington state board of health (SBOH) also prohibited the use of vitamin E acetate by any person licensed under chapter 69.50 RCW by permanent rule on November 14, 2020, as WSR 20-23-006. Since the SBOH prohibition of vitamin E acetate is permanent, WAC 314-55-077 and 314-55-079 should be updated to reference this permanent prohibition of vitamin [E] acetate as described in WAC 246-80-021. Once references are updated, board emergency rule WAC 314-55-1065 should be rescinded.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: SBOH; Washington state department of health.

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 Policy and Rules Coordinator, P.O. Box 43080, Olympia, WA 98504, phone 360-664-1760, fax 360-664-9689, email rules@lcb.wa.gov, website lcb.wa.gov.

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

March 31, 2021
David Postman
Chair

WSR 21-08-061
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE

[Filed April 5, 2021, 12:45 p.m.]

Subject of Possible Rule Making: The department is considering changes to coastal commercial Dungeness crab fishing regulations and experimental gear testing and regulations pertaining to electronic fish ticket reporting for some coastal and Puget Sound commercial fisheries where electronic reporting is not already mandatory.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The proposed changes are needed to clarify existing rules, update, or delete outdated rules, and make changes as necessary to improve data collection and support efforts to reduce the entanglement risk with marine life and coastal commercial Dungeness crab gear.

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 Heather Hall, Intergovernmental Ocean Policy Coordinator, P.O. Box 43152, Olympia, WA 98501, phone 360-490-9628, fax 360-902-2155, email Heather.Hall@dfw.wa.gov.

April 5, 2021
Annie Szvetecz
Rules Coordinator

WSR 21-08-076
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH
(Dental Quality Assurance Commission)
[Filed April 6, 2021, 2:04 p.m.]

Subject of Possible Rule Making: WAC 246-817-440 Dentist continuing education, the dental quality assurance commission (commission) is considering rule amendments for the number of hours allowed under self-study methods.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.32.002, 18.32.0357, 18.32.0365, and 18.32.180.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: A rules petition was received on November 20, 2020, requesting amendments to WAC 246-817-440 to allow full credit for self-study online continuing education courses. The commission agreed there might be available online courses appropriate for full credit and rule amendments should be considered.

Current rule allows dentists to earn thirty minutes for every one hour of self-study continuing education completed, including online courses, towards the total of continuing education hours. Current rule defines this as:

Subsection (4)(b) Self-study by various means, relevant to dentistry, without an instructor physically present.

Subsection (4)(b)(i) Self-study can be continuing education provided online or through the mail provided by a continuing education provider. Thirty minutes will count for every one hour completed for this activity.

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 Jennifer Santiago, P.O. Box 47852, Olympia, WA 98501, phone 360-236-4893, fax 360-236-2901, TTY 711, email jennifer.santiago@doh.wa.gov, website www.doh.wa.gov/dental, dental@doh.wa.gov.

Additional comments: Interested parties may sign up for the program's interested parties list (GovDelivery) at <https://public.govdelivery.com/accounts/WADOH/subscriber/new>. All rule-making notices will be emailed via GovDelivery. Rule development will take place in open public meetings prior to a formal rule proposal and comment period.

April 6, 2021
Trina Crawford
Executive Director

WSR 21-08-078
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING
[Filed April 6, 2021, 2:47 p.m.]

Subject of Possible Rule Making: WAC 308-61-195 Abandoned recreational vehicle—Criteria and required information, 308-61-197 Abandoned recreational vehicle—Application and review, 308-61-203 Abandoned recreational vehicle—Reimbursements, 308-61-207 Abandoned recreational vehicle—Turning over collections to the department, and 308-61-215 Abandoned recreational vehicle—Rates and caps.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.53.010 Registered tow truck operators, vehicle wreckers, scrap processors, and scrap metal businesses may apply for cost reimbursement for towing, transporting, storing, dismantling, and disposing abandoned recreational vehicles—Department to develop rules—Stakeholder work group, 46.55.190 Rules.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: There are formatted changes and clarified wording throughout all WAC listed under "Subject of possible rule making" above.

Other changes are being made in accordance with stakeholder requests identified in the stakeholder work group authorized by RCW 46.53.010. These changes correct rates and caps examples and raise the travel trailer cap from 25' to 30' in WAC 308-61-215.

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

Process for Developing New Rule: Negotiated rule making; parties interested in these rules may contact the individual below (Dora Calle). The public may also participate by commenting after a CR-102 has been filed and amendments are proposed, by providing written comments or giving oral testimony during the public hearing process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Dora Calle, 1125 Washington Street S.E., Olympia, WA 98504, phone 360-902-3798, email dcalle@dol.wa.gov.

April 6, 2021
Ellis Starrett
Rules Coordinator

WSR 21-08-079
PREPROPOSAL STATEMENT OF INQUIRY
PARKS AND RECREATION
COMMISSION

[Filed April 6, 2021, 3:26 p.m.]

Subject of Possible Rule Making: WAC 352-60-030 and 352-60-080, rule changes to personal flotation devices required and fire extinguishers.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 79A.60.140 and 79A.60.160.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: C.F.R. 46 Part 160 governs the approval and labeling of personal flotation devices (PFD). C.F.R. 46 Part 160 has recently been updated by United States Coast Guard (USCG) to include a new PFD labeling procedure to provide consistency with Canada. This update is necessary to ensure that our state is adhering to the requirements of C.F.R. 46 Part 160. It is also needed to ensure that state and local marine law enforcement officers and our citizens better understand the new labeling authorization and labeling requirements.

46 C.F.R. Part 30-20 establishes the requirements for marine use fire extinguishers. This update is necessary to ensure that state statute is consistent with the current regulations under C.F.R. It is also necessary to ensure that state and local law enforcement and our citizens better understand the federal, state, and local requirements for required equipment-fire extinguisher.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: USCG is the federal agency tasked with regulating recreational boating within the United States of America through 46 C.F.R. as well as other C.F.R.s. Coordination is accomplished through the USCG District 13 Recreational Boating Safety Specialist.

Process for Developing New Rule: Agency study; compliance with federal rule C.F.R. 46 Part 160 and Part 30-20.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Matthew M. Stowers, 1111 Israel Road S.W., phone 360-791-4668, fax 360-586-6603, TTY 800-833-6388, email matt.stowers@parks.wa.us, website <https://www.parks.wa.gov/> [<https://www.parks.wa.gov/>].

April 6, 2021
Valeria Veasley
Management Analyst

WSR 21-08-086
PREPROPOSAL STATEMENT OF INQUIRY
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed April 7, 2021, 9:52 a.m.]

Subject of Possible Rule Making: Chapter 392-342 WAC, State assistance in providing school plant facilities—Educational specifications and site selection; and chapter 392-344 WAC, State assistance in providing school plant facilities—Procedural regulations.

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 apply lean management principles, as required by section 5015, chapter 413, Laws of 2019, to the process related to applying for state assistance for school plant facilities, also known as the "D-Forms" process. Applying lean management principles and other performance management strategies is intended to reduce undue administrative burdens on school districts participating in this school facilities process. Proposed rule making for these two chapters was originally identified on a CR-101 filed on January 6, 2021, as WSR 21-02-084, along with chapters concerning the study and survey process. For clarity, OSPI will separately consider rule making for the D-Forms process.

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

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, School Facilities, OSPI, P.O. Box 47200, Olympia, WA 98504, phone 360-742-4028, TTY 360-664-3631, email Schoolfacilitiesrules@k12.wa.usi [Schoolfacilitiesrules@k12.wa.us], website k12.wa.us.

April 7, 2021
Chris P. S. Reykdal
State Superintendent
of Public Instruction

**WSR 21-08-088
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

[Filed April 7, 2021, 9:53 a.m.]

The behavioral health administration requests the withdrawal of Preproposal statement of inquiry notice filed as WSR 20-08-116 on March 31, 2020 (chapter 388-878 WAC), regarding the outpatient competency restoration program.

Katherine I. Vasquez
Rules Coordinator

WSR 21-08-089
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF AGRICULTURE
[Filed April 7, 2021, 10:00 a.m.]

Subject of Possible Rule Making: Chapter 16-303 WAC, Seed assessment, fees for seed services and seed certification, the department is considering amending this chapter to increase seed program fees and establish new fees for services not previously offered or services that are being provided that are not listed in the current fee schedule. In addition, the department is considering making clerical corrections to the address inconsistencies in crop kinds and additional crops listed in each category of crop kind. Also, the department is considering restructuring the fee schedule and revising rule language to provide clarity and allow for easier interpretation of the fees and rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 15.49.005 and [15.49].310.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: A recent budget review revealed that the program's fund balance is starting to decline, so it is necessary to increase fees to maintain a six month operating reserve, as well as to add laboratory, field, and office staff for succession planning and to reduce overtime hours worked by current staff. There have been several new services offered since the last time this rule was amended, and since these services are not listed in the current fee schedule, the fees for these services have been charged based on staff time and other expenses. Establishing fees for these new services would increase transparency for customers using these services. The department is also considering making clerical changes, including adding native species not previously included and modifying crop groupings to ensure that all crops are listed under the correct groupings.

Process for Developing New Rule: Department staff will discuss any proposed amendments with affected stakeholders. 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 hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Reanna McNamara, Division Rules Coordinator, 1111 Washington Street S.E., Olympia, WA 98504, phone 360-902-1931, fax 360-902-2085, TTY 800-833-6388, email rmcnamara@agr.wa.gov, website <https://agr.wa.gov/LawsRules/Rulemaking/>; or Paula Moore, Seed Program Manager, 21 North 1st Avenue, Suite 203, Yakima, WA 98902, phone 509-314-1032, fax 509-454-4395, TTY 800-833-6388, email pmoore@agr.wa.gov, website <https://agr.wa.gov/Inspection/SeedInspection/ContactUs.aspx>.

April 7, 2021
Jessica Allenton
Assistant Director

WSR 21-08-091
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Behavioral Health Administration)
[Filed April 7, 2021, 10:28 a.m.]

Subject of Possible Rule Making: The department is planning to create chapter 388-878 WAC, Outpatient competency restoration program, this rule making is to develop rules for the conditions of participation in the outpatient competency restoration program, within the framework of the forensic mental health care system. This rule making will include, but not be limited to, detailing the eligibility requirements for a person to receive outpatient competency restoration, medication management, and regular urinalysis testing for defendants with substance use disorder. The department may add or amend other related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 10.77.086.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: These rules are necessary to implement E2SSB 5444 (chapter 326, Laws of 2019).

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The health care authority will be a partner in the development and promulgation of these rules.

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 Nora Selander, 1115 Washington Street S.E., Mailstop 45525, phone 360-902-7637, email nora.selander@dshs.wa.gov.

April 7, 2021
Katherine I. Vasquez
Rules Coordinator