

WSR 23-03-002
PREPROPOSAL STATEMENT OF INQUIRY
PARKS AND RECREATION
COMMISSION

[Filed January 5, 2023, 9:03 a.m.]

Subject of Possible Rule Making: Establishing new rule under chapter 352-60 WAC and mechanically propelled personal hydrofoils (MPPH) and mechanically propelled surfboards (MPS); establishing new rule under chapter 352-60 WAC for engine cut-off switch; and revision to WAC 352-60-020 Definitions and 352-60-080 Fire extinguisher.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 79A.05.030(2).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: 1 U.S.C. 3, 46 U.S.C. Chapter 43 and 123, and 33 C.F.R. [C.F.R.] Subchapter S govern MPPH, MPS, and personal watercraft (PWC). Currently, Washington state has not adopted appropriate regulations to address MPPH or MPS as required by the above federal regulations.

46 U.S.C. Chapter 43 governs the requirements for engine cut-off switches. Currently, Washington state has not adopted appropriate regulations to address engine cut-off switches as required by 46 U.S.C. Chapter 43.

WAC 352-60-020 requires a number of additions to clarify existing and new rules, as well as to assist with enforcement of chapter 79A.60 RCW.

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: United States Coast Guard (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.

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, 111 Israel Road S.W., phone 360-791-4668, fax 360-586-6603, TTY 800-833-6388, email matt.stowers@parks.wa.gov, website www.parks.wa.gov, <https://www.parks.wa.gov/>.

January 5, 2023
Valeria Veasley
Management Analyst

WSR 23-03-021
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
RETIREMENT SYSTEMS

[Filed January 9, 2023, 10:46 a.m.]

Subject of Possible Rule Making: Adding a Roth option to the department of retirement systems' (department) deferred compensation plan (DCP).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.50.770(5), as enacted by the 2022 legislation (EHB 1752). Additionally, the department's WAC serve as a plan document for DCP for the purpose of IRS compliance.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In accordance with EHB 1752 from the 2022 legislative session, the department is required to offer a Roth option within DCP no later than December 2023. Chapters 415-02 and 415-501 WAC require changes to clarify how the department will administer DCP once Roth is included.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The department will consult with tax counsel to ensure compliance with Internal Revenue Service regulations.

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, phone 360-664-7291, TTY 711, email drs.rules@drs.wa.gov, website www.drs.wa.gov/sitemap/rules.

January 9, 2023
Bianca Stoner
Rules Coordinator

WSR 23-03-045

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF AGRICULTURE

[Filed January 10, 2023, 8:36 a.m.]

Subject of Possible Rule Making: As a result of recently passed HB 1859, the department is initiating rule making to establish cannabis testing laboratory quality standards by rule.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 15.150.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: HB 1859 (chapter 135, Laws of 2022) requires the department to establish and maintain cannabis testing laboratory quality standards by rule. The cannabis testing laboratory quality standards must include, but are not limited to: Approved methods for testing cannabis for compliance with product standards established by rule by the liquor and cannabis board (LCB) or the department of health (DOH); method validation protocols; and performance measures and criteria applied to testing of cannabis products.

The bill also created an interagency coordination team for cannabis laboratory quality standards. The team consists of the department of agriculture (WSDA), LCB, and DOH. WSDA is the designated lead agency for the team.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The rules will be developed in collaboration with LCB and DOH. As such, both agencies will be heavily involved with this rule. Since the cannabis analysis lab accreditation program will be overseen by the Washington state department of ecology (ecology), WSDA will also be coordinating with ecology.

Since the interagency team is required to consider the recommendations made by the cannabis science task force on the development of appropriate laboratory quality standards for cannabis product testing laboratories, the department will also coordinate rule development with the members of the task force which includes members of the cannabis scientific community.

Process for Developing New Rule: WSDA 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 Trecia Ehrlich, Cannabis Program Manager, 1111 Washington Street S.E., P.O. Box 42560, Olympia, WA 98504-2560, phone 360-584-3711, fax 360-902-2085, TTY 800-833-6388, email tehrlich@agr.wa.gov, website www.agr.wa.gov.

January 4, 2023
Jessica Allenton
Assistant Director

WSR 23-03-051
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE

[Order 23-03—Filed January 10, 2023, 1:32 p.m.]

Subject of Possible Rule Making: The department is considering amending current coastal commercial salmon fishing rules resulting from stakeholder recommendations made during the 2023 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: National Oceanic Atmospheric Administration Fisheries and the National Marine Fisheries Service. These agencies, as well as the Washington department of fish and wildlife, 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 4820, email coastal-commercial@PublicInput.com, website <https://publicinput.com/coastal-commercial>, <https://wdfw.wa.gov/fishing/management/north-falcon>; or Barbara McClellan, 48 Devonshire Road, Montesano, WA 98563, phone 360-249-1213, 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 10, 2023
Chris Fredley
Acting Agency Rules Coordinator

WSR 23-03-052
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE

[Order 23-04—Filed January 10, 2023, 1:34 p.m.]

Subject of Possible Rule Making: The department is considering amending current Puget Sound commercial salmon fishing rules resulting from stakeholder recommendations made during the 2023 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: National Oceanic Atmospheric Administration Fisheries and the National Marine Fisheries Service. These agencies, as well as the Washington department of fish and wildlife, 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 4779, email puget-sound-commercial@PublicInput.com, website <https://publicinput.com/puget-sound-commercial>, <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 10, 2023
Chris Fredley
Acting Agency Rules Coordinator

**WSR 23-03-053
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
UTILITIES AND TRANSPORTATION
COMMISSION**

[Filed January 10, 2023, 1:35 p.m.]

Under the preproposal statement of inquiry (CR-101) WSR 20-15-127, filed on July 20, 2020, with the Washington state office of the code reviser, the Washington utilities and transportation commission (commission) issued a rule adoption order on November 30, 2022, amending chapter 480-62 WAC.

The commission is providing notice that there will be no additional rule-making action under this CR-101 and that it is closing Docket TR-200536. The commission provided notice of these developments to interested persons in Docket TR-200536.

If you have questions, please contact Betty Young, rail operations manager, at betty.young@utc.wa.gov or 360-292-5470.

Amanda Maxwell
Executive Director and Secretary

WSR 23-03-054
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE

[Order 23-05—Filed January 10, 2023, 1:35 p.m.]

Subject of Possible Rule Making: The department is considering amending current recreational fishing rules resulting from stakeholder recommendations made during the 2023 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 the Washington department of fish and wildlife, 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 4744, email recreational-fisheries@PublicInput.com, website <https://publicinput.com/recreational-fisheries>.

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 10, 2023
Chris Fredley
Acting Agency Rules Coordinator

WSR 23-03-056
PREPROPOSAL STATEMENT OF INQUIRY
PARKS AND RECREATION
COMMISSION

[Filed January 10, 2023, 2:52 p.m.]

Subject of Possible Rule Making: Revision to WAC 352-78-020, rule changes to definitions, and 352-78-090 How do the boater education program requirements affect rental operators and liveries?

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 79A.05.3[1]0(3).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: WAC 352-78-090 needs clarification and definitions updated to address peer-to-peer boat rental.

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 Derek VanDyke, 1111 Israel Road S.W., phone 360-902-8842, fax 360-586-6603, TTY 800-883-6388, email derek.vandyke@parks.wa.gov, website www.parks.wa.gov.

January 10, 2023
Valeria Veasley
Management Analyst

WSR 23-03-059
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FINANCIAL INSTITUTIONS
(Securities Division)
[Filed January 11, 2023, 2:58 p.m.]

Subject of Possible Rule Making: The securities division is considering proposing to amend chapter 460-80 WAC to formally adopt the statement of policy regarding the use of franchise questionnaires and acknowledgments (statement of policy) promulgated by the North American Securities Administrators Association, Inc. (NASAA).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 19.100.250.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: On September 18, 2022, NASAA adopted the statement of policy. The statement of policy sets uniform standards for the proper use of questionnaires and acknowledgments in franchise offerings. The statement of policy has an effective date of January 1, 2023.

The statement of policy prohibits provisions that would require a prospective franchisee to make statements that are subjective, unreasonable, or that attempt to absolve the franchisor or its agents of liability in connection with the sale of a franchise. These provisions are also inconsistent with the Franchise Investment Protection Act's antiwaiver provisions. See RCW 19.100.220(2) and 19.100.180 (2)(g). It is important to note that the adoption of the statement of policy does not represent a material change in requirements for franchise offerings in Washington. However, adoption of the statement of policy would aid franchisors in complying with existing Washington law by providing specific examples of prohibited questionnaires and acknowledgments, while also increasing compliance with antiwaiver and antifraud requirements across the states with such requirements.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Washington and a number of states regulate franchise offerings. The adoption of the statement of policy by Washington and other states will increase uniformity in addressing provisions that are inconsistent with state laws prohibiting waivers of liability in franchise offerings and fraud.

Process for Developing New Rule: The securities division is soliciting comments from interested persons and will adopt rules only after consideration of public comments.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Nathan Quigley, P.O. Box 9033, Olympia, WA 98507-9033, phone 360-902-8760, fax 360-902-0524, TTY 360-664-8126, email Nathan.Quigley@dfi.wa.gov, website <https://dfi.wa.gov/securities>.

January 11, 2023
William M. Beatty
Securities Administrator

WSR 23-03-067
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE

[Order 23-01—Filed January 12, 2023, 4:27 p.m.]

Subject of Possible Rule Making: The department is considering amending rules to allow mobile license purchases and electronic harvest reporting.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.04.012, 77.12.047, 77.32.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Revisions will clarify the process for possession and compliance with licensing and harvest reporting requirements through the use of paper or electronic documentation.

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 Shannon Smith, voicemail comments 855-925-2801, project code 1022, TTY 1-800-833-6388 or 711, email mobile-licensing@PublicInput.com, website <https://publicinput.com/mobile-licensing>.

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

January 12, 2023
Chris Fredley
Acting Agency Rules Coordinator

WSR 23-03-069

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF HEALTH

(Nursing Care Quality Assurance Commission)

[Filed January 12, 2023, 9:11 p.m.]

Subject of Possible Rule Making: WAC 246-840-220 and other relevant continuing education (CE) rule sections in chapter 246-840 WAC. The nursing care quality assurance commission (commission) is considering adopting the health equity continuing education model rules, WAC 246-12-800 through 246-12-830, to comply with RCW 43.70.613. The commission will also consider whether additional CE hours and course topics should be included.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.79.010, 18.79.110, 18.79.260, and 43.70.613.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In 2021, the legislature passed ESSB 5229, codified as RCW 43.70.613, requiring health professionals credentialed under RCW 18.130.040 with a CE requirement, to complete health equity CE training every four years as described in RCW 43.70.613.

The department of health (department) developed proposed model rules establishing minimum standards for health equity CE training for health care professionals to include instruction on skills to address structural factors, such as bias, racism, and poverty, that manifest as health inequities. The department adopted the model rules in November 2022. Any rules developed by the commission must meet or exceed the minimum standards in the model rules found at WAC 246-12-800 through 246-12-830.

The commission is considering opening continuing competency rules to establish nursing-specific content requirements for health equity education training.

Rule making will provide the opportunity for interested party engagement, rule clarification, and possible amendments to address the identified concerns.

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 Jessilyn Dagum, P.O. Box 47864, Olympia, WA 98504-7864, phone 360-236-3538, fax 360-236-4738, TTY 711, email NCQAC.RULES@doh.wa.gov, website www.nursing.wa.gov.

Additional comments: The commission will notify interested parties of rule making by posting information on the department website, the commission website, and by use of GovDelivery. Interested parties may sign up to receive commission rule-making notices at <https://public.govdelivery.com/accounts/WADOH/subscriber/new>, select the "Subscribe" button at the bottom of the page, and then select "Nursing Commission." The commission will hold virtual meetings at varying times to encourage participation.

December 28, 2022

Paula R. Meyer, MSN, RN, FRE

Executive Director

Nursing Care Quality Assurance Commission

WSR 23-03-076
PREPROPOSAL STATEMENT OF INQUIRY
GAMBLING COMMISSION

[Filed January 13, 2023, 2:24 p.m.]

Subject of Possible Rule Making: The gambling commission is reviewing its licensing fees to ensure that they are sufficient to cover the agency'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: Although the gambling industry has largely recovered from a significant contraction due to the COVID-19 pandemic, the number of licensees has decreased in the last three years. This decline in licensees has caused revenues to flatten, while operating costs continue to increase in this inflationary period. Current license fees are not projected to be sufficient to cover the agency's costs of licensing, regulation, and enforcement beginning in fiscal year 2024. It is necessary to review the established fees (base fee rates, fee rate as a percentage of gross gambling receipts, and annual maximum fee levels) and consider increases that can support the commission's operating costs.

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 9, 2023

Lisa McLean
Legislative and Policy Manager

WSR 23-03-077

**PREPROPOSAL STATEMENT OF INQUIRY
EASTERN WASHINGTON UNIVERSITY**

[Filed January 13, 2023, 2:26 p.m.]

Subject of Possible Rule Making: Chapter 172-121 WAC, Student conduct code.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.35.120(12).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Update Eastern Washington University's student conduct code's procedures for investigations and full hearings.

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 Annika Scharosch, 211 Tawanka Hall, Eastern Washington University, Cheney, WA 99004, phone 509-359-6724, email ascharosch@ewu.edu, website <https://inside.ewu.edu/policies/>.

January 13, 2023

Annika Scharosch

Associate Vice President

WSR 23-03-078
PREPROPOSAL STATEMENT OF INQUIRY
GAMBLING COMMISSION

[Filed January 13, 2023, 2:35 p.m.]

Subject of Possible Rule Making: The gambling commission will review and adjust license fees for three different types of sports wagering vendors: (1) Major sports wagering vendor, providing integral sports wagering goods or services; (2) mid-level sports wagering vendor, providing services or equipment related to data, security, and integrity; and (3) ancillary sports wagering vendor, providing necessary sports wagering support services.

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: As sports wagering is an authorized tribal-only gambling activity, the costs to the gambling commission for licensing and enforcement must be supported by licensing fees collected from sports wagering vendors. The amount of the vendor fees established in 2021 was based on the commission's best estimate of the costs associated with both licensing and enforcement of a new gambling activity and the number of vendors who would apply for each license type. Now that the commission has experienced a year of licensing and enforcement of these vendors, it has the necessary information to assess actual costs and adjust vendor fees for fiscal year 2024.

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 9, 2023

Lisa McLean
Legislative and Policy Manager

WSR 23-03-098

PREPROPOSAL STATEMENT OF INQUIRY

SECRETARY OF STATE

[Filed January 17, 2023, 10:56 a.m.]

Subject of Possible Rule Making: Standards for determining when documents cannot be filed and must be rejected by county recording offices throughout Washington.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 65.24.040, 40.14.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Washington legislature tasked the office of the secretary of state with creating and appointing a recording standards commission under RCW 65.24.040. The recording standards commission shall make recommendations to the office of the secretary of state for potential rule making regarding recording standards and practices including standards governing rejection of documents submitted for recording to county recording offices. Inconsistent rejection of documents submitted for recording to county recording offices creates confusion, unnecessary delay, undue burden, and other impediments to the recording of documents. Proposed rule making will harmonize the standards and practices of recording offices and recording officers in Washington leading to more predictable and consistent standards across the state, better customer service for document submitters, and more efficiency within recording offices.

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 Alex Goodell, Washington State Archives, 960 Washington Street, Cheney, WA 99004, phone 509-235-7500 ext. 105, email rsc@sos.wa.gov, website www.sos.wa.gov.

January 17, 2023

Randy Bolerjack

Deputy Secretary of State

WSR 23-03-101

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF LICENSING

[Filed January 17, 2023, 2:19 p.m.]

Subject of Possible Rule Making: Timeshare fee increases under WAC 308-127-160 Fees.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.24.086 Fee policy for professions, occupations, and businesses—Determination by rule.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is required to set fees for each professional, occupational, or business licensing program at a sufficient level to defray the costs of administering that program. Current fees are insufficient to sustain this program. The department is considering fee increases that would go into effect in summer 2023. This is part of a larger fee increase and these fees had been proposed to go into effect fall of 2022.

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 Ellis Starrett, 1125 Washington Street S.E., Olympia, WA 98504, phone 360-902-3846, email rulescoordinator@dol.wa.gov, website <https://www.dol.wa.gov/business/timeshares/tslaws.html>.

January 17, 2023

Ellis Starrett

Rules and Policy Manager

WSR 23-03-102

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF LICENSING

[Filed January 17, 2023, 2:24 p.m.]

Subject of Possible Rule Making: WAC 308-33-105 Employment agency fees.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.24.086 Fee policy for professions, occupations, and businesses—Determination by rule.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is required to set fees for each professional, occupational, or business licensing program at a sufficient level to defray the costs of administering that program. Current fees are insufficient to sustain this program. The department is considering fee increases that would go into effect in summer 2023. This is part of a larger fee increase and these fees had been proposed to go into effect fall of 2022.

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 Ellis Starrett, 1125 Washington Street S.E., Olympia, WA 98504, phone 360-902-3846, email rulescoordinator@dol.wa.gov, website <https://www.dol.wa.gov/business/employmentagency/emplaws.html>.

January 17, 2023

Ellis Starrett

Rules and Policy Manager

WSR 23-03-103

PREPROPOSAL STATEMENT OF INQUIRY

WHATCOM COMMUNITY COLLEGE

[Filed January 17, 2023, 3:37 p.m.]

Subject of Possible Rule Making: WAC 132U-126-005 Statement of jurisdiction, 132U-126-010 Definitions, 132U-126-030 Prohibited student conduct, and 132U-126-040 Sanctions.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.50.140(13); 20 U.S.C. § 1092(f).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Whatcom Community College is required by HB [2SHB] 1751 to comply with a new definition of hazing and make revisions to the student code of conduct. HB [2SHB] 1751 was passed in June 2022 and requires college campuses to comply with changes during the 2022-23 academic year. HB [2SHB] 1751 provides substantial changes to the state definition of hazing, statement of jurisdiction, definitions, prohibited student conduct, and sanctions. These changes require updates to our current student rights and responsibilities to meet the guidelines presented in HB [2SHB] 1751.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Washington state legislature. Whatcom Community College is following guidelines presented in HB [2SHB] 1751 to make necessary updates to the policies and procedures that include information about hazing. These changes include sanctions, definitions, and trainings.

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 Lexus Criswell, 237 West Kellogg Road, Laidlaw 208, Bellingham, WA 98226, phone 360-383-3077, email lcriswell@whatcom.edu.

January 17, 2023

L. Criswell

Administrative Assistant to the
Vice President for Student Services

WSR 23-03-104

PREPROPOSAL STATEMENT OF INQUIRY

WHATCOM COMMUNITY COLLEGE

[Filed January 17, 2023, 3:38 p.m.]

Subject of Possible Rule Making: WAC 132U-121-035.

Statutes Authorizing the Agency to Adopt Rules on this Subject:
RCW 28B.50.140(13); 20 U.S.C. § 1092(f).

Reasons Why Rules on this Subject may be Needed and What They
Might Accomplish: The college is required by the passing of HB [2SHB]
1751 to update definitions of hazing and make revisions to WAC
132U-121-035 to fit this new definition. The updated WAC also includes
information for new programs and procedures in an effort to promote an
antihazing campus. This includes a hazing prevention committee appoin-
ted by the president, mandatory reporting procedures, publication of a
hazing report, and hazing prevention training programs for students
and employees.

Other Federal and State Agencies that Regulate this Subject and
the Process Coordinating the Rule with These Agencies: Whatcom Commu-
nity College is following guidelines presented by the Washington state
legislature in HB [2SHB] 1751.

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 Lexus Criswell, 237 West Kellogg Road, Laidlaw 208, Bel-
lingham, WA 98226, phone 360-383-3077, email lcriswell@whatcom.edu.

January 17, 2023

L. Criswell

Administrative Assistant to the
Vice President for Student Services

WSR 23-03-105

PREPROPOSAL STATEMENT OF INQUIRY

WHATCOM COMMUNITY COLLEGE

[Filed January 17, 2023, 4:07 p.m.]

Subject of Possible Rule Making: WAC 132U-122-010.

Statutes Authorizing the Agency to Adopt Rules on this Subject:
RCW 28B.50.140(13), 28B.10.293; 20 U.S.C. § 1092(f).

Reasons Why Rules on this Subject may be Needed and What They
Might Accomplish: Whatcom Community College is implementing edits to
WAC 132U-122-010 to be in compliance with SSHB [2SHB] 2513. The update
to this WAC will prohibit the institution from withholding academic
transcripts due to unpaid debt.

Other Federal and State Agencies that Regulate this Subject and
the Process Coordinating the Rule with These Agencies: The Washington
state legislature passed SSHB [2SHB] 2513. The changes to Whatcom Com-
munity College's WAC 132U-122-010 will be in compliance with the
changes passed in SSHB [2SHB] 2513.

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 Lexus Criswell, 237 West Kellogg Road, Laidlaw 208, Bel-
lingham, WA 98226, phone 360-383-3077, email lcriswell@whatcom.edu.

January 17, 2023

L. Criswell

Administrative Assistant to the
Vice President for Student Services

WSR 23-03-112
PREPROPOSAL STATEMENT OF INQUIRY
OFFICE OF
ADMINISTRATIVE HEARINGS

[Filed January 18, 2023, 8:21 a.m.]

Subject of Possible Rule Making: The office of administrative hearings (OAH) is proposing to amend WAC 10-16-010, regarding procedures to complain about improper conduct by an administrative law judge (ALJ).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 34.05.020 and 34.12.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The rule needs to be updated to allow electronic and online complaints, to eliminate current page limits, and to clarify the process for contacting OAH and for OAH to investigate complaints.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: This is an OAH complaint process and is not regulated by any other agency. RCW 34.12.030(4) provides disciplined or terminated ALJs with a right of review by the Thurston County superior court.

Process for Developing New Rule: Agency study; and OAH welcomes the public to participate in developing its rules. Anyone interested should contact the staff person identified above. OAH maintains a list of parties who might be interested in its rule making. At a later date, OAH will file a notice of proposed rule making (CR-102) with the office of the code reviser. A copy of the notice will be sent to everyone on the list of interested parties, as well as anyone who requests a copy. The notice will also be posted on our website at the following web page <https://oah.wa.gov/Content-Area-Management/Rule-Making-Hub/Rulemaking-Activities>.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Sabiha Malikani Ahmad, Staff Attorney, P.O. Box 42488, Olympia, WA 98504-2488, phone 360-407-2739, fax 360-664-8721, TTY 711, email rulemaking@oah.wa.gov, website <https://oah.wa.gov>.

January 17, 2023

Lorraine Lee

Chief Administrative Law Judge

WSR 23-03-116
PREPROPOSAL STATEMENT OF INQUIRY
SOUTH PUGET SOUND
COMMUNITY COLLEGE

[Filed January 18, 2023, 9:29 a.m.]

Subject of Possible Rule Making: Chapter 132X-60 WAC, student conduct regarding hazing and modification of supplemental Title IX student conduct procedures.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Washington state legislature, RCW 28B.10.900 through 28B.10.904, 28B.50.140; Title IX of Education Amendments of 1972.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Washington state legislature adopted chapter 209, Laws of 2022 (Sam's Law). South Puget Sound Community College is updating chapter 132X-60 WAC, Code of student rights and responsibilities (the student conduct code), and other related rules to bring the college into compliance with Sam's Law, and may make other changes to the student conduct code. In addition, changes to the supplemental Title IX student conduct procedures in chapter 132X-60 WAC are being made to reflect changes in the interpretation of the existing Title IX regulations and to clarify some procedural issues.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The state board for community and technical colleges has general supervision and control over the community and technical college system but does not regulate each college's rule-making activity. The United States Department of Education regulates institutions of higher education for compliance with Title IX.

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 Dr. David Pelkey, 2011 Mottman Road S.W., Olympia, WA 98512, phone 360-596-5231, fax 360-596-5709, email dpelkey@spscc.edu, website spscc.edu.

January 18, 2023
Timothy S. Stokes
President

WSR 23-03-119

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF HEALTH

(Board of Nursing Home Administrators)

[Filed January 18, 2023, 10:07 a.m.]

Subject of Possible Rule Making: Chapter 246-843 WAC, Nursing home administrators, rules. The board of nursing home administrators (board) is considering amending licensure, licensure renewal, health equity continuing education, and temporary practice permit rules. Specific rules include WAC 246-843-071 Application, 246-843-090 Administrator-in-training program, 246-843-130 Continuing education requirements, and 246-843-231 Temporary practice permits.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.52.061 and 43.70.613; and ESSB 5229 (chapter 276, Laws of 2021).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The board is considering clarifications to education requirements for initial licensure, and clarifications to the administrator-in-training program as a path to licensure. Health equity continuing education must be considered and implemented by January 2024 according to RCW 43.70.613. Temporary practice permits are being examined and possibly expanded in response to changing regulations from the department of social and health services (DSHS).

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: DSHS. The department of health and the board are working directly with staff at DSHS. Notices of all rule-making workshops and board meetings will be sent to the relevant DSHS staff.

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 Kendra Pitzler, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-236-4723, fax 360-236-2901, TTY 711, email kendra.pitzler@doh.wa.gov, website www.doh.wa.gov.

Additional comments: Rule-making notices will be delivered via GovDelivery. To receive notices, interested persons may sign up for any or all of the lists. Please go to <http://public.govdelivery.com/accounts/WADOH/subscriber/new> [<http://public.govdelivery.com/accounts/WADOH/subscriber/new>]. After signing in, please click open the box labeled "Health Systems Quality Assurance." Next, click open the box labeled "Health Professions." From there, check the box next to "nursing home administrators."

January 18, 2023
Carl Christensen, Chair
Board of Nursing Home Administrators

WSR 23-03-120
PREPROPOSAL STATEMENT OF INQUIRY
BELLEVUE COLLEGE

[Filed January 18, 2023, 10:48 a.m.]

Subject of Possible Rule Making: Chapter 132H-136 WAC, Library media center.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Bellevue College proposes updates to the current library media center policy 3550 regarding fines. Changes are proposed to comply with SSHB 2513 (this bill prohibits colleges from withholding a student's official transcript for debt collection), to remove and/or update outdated information, and to clarify rules.

Process for Developing New Rule: Proposed changes are being presented to the campus community for feedback and a public meeting will be held.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Nicole Longpre, 3000 Landerholm Circle S.E., phone 425-564-3071, email nlongpre@bellevuecollege.edu.

January 18, 2023
Loreen McRea Keller
Associate Director
Policies and Special Projects