

WSR 19-23-005
PREPROPOSAL STATEMENT OF INQUIRY
UTILITIES AND TRANSPORTATION
COMMISSION

[Filed November 6, 2019, 12:36 p.m.]

November 6, 2019
 Mark L. Johnson
 Executive Director
 and Secretary

Subject of Possible Rule Making: In Docket UE-190698, the Washington utilities and transportation commission (commission) has initiated this rule making to incorporate statutory changes made to WAC 480-100-238 since 2006, including in E2SSB 5116, the Clean Energy Transformation Act, and to consider other policy and process changes to create more efficient rules that adapt to a changing energy landscape. In 2006, the commission adopted WAC 480-100-238, which requires investor-owned electric utilities to engage in long-term, integrated resource planning (IRP) processes. In 2016, the commission initiated a rule making in Docket U-161024, in part to consider whether additional rules were necessary to implement recent legislation, to clarify how recent advances in the energy industry should be treated in the IRP, and to consider other general process and policy improvements. However, that rule making was not completed before the legislature made changes, in 2019, to integrated resource planning requirements through 2SSB [E2SSB] 5116. The commission has terminated the rule making in Docket U-161024 and has incorporated work developed in Docket UE-161024 in this rule making.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 80.01.040, 80.04.160, chapters 19.280, 19.405 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The commission has not substantially revised its IRP rules since 2006, and the rules should be updated to reflect amendments the legislature enacted to the underlying statute subsequent to 2009. The commission must also incorporate by January 1, 2021, changes the Washington legislature made to chapter 19.280 RCW during the passage of E2SSB 5116. Furthermore, recent advances in the energy industry, such as the rapid growth of distributed generation and the development of energy storage technologies, have created modeling challenges for the IRP process that the commission may want to clarify in its rules. The commission began addressing these policy and procedural issues in its 2016 rule making, and intends to continue that process in this rule making.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Washington state department of commerce (department) must ensure that consumer-owned utilities also meet the planning requirements as set for [forth] in E2SSB 5116. The commission and the department are coordinating their processes for implementing the requirements in E2SSB 5116.

Process for Developing New Rule: The commission uses a collaborative rule-making process that includes stakeholder workshops, formal comments, and draft rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Mark L. Johnson, Washington Utilities and Transportation Commission, P.O. Box 47250, Olympia, WA 98504-7250, phone 360-664-1234, email records@utc.wa.gov/e-filing, website www.utc.wa.gov/e-filing.

WSR 19-23-006
PREPROPOSAL STATEMENT OF INQUIRY
HORSE RACING COMMISSION

[Filed November 6, 2019, 2:00 p.m.]

Subject of Possible Rule Making: WAC 260-60-405 Claiming—Declaring a horse ineligible to be claimed at time of entry.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 67.16.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To amend the current language when a trainer may enter a horse a [and] declare it ineligible to be claimed. The intended purpose would be to entice new trainers to participate at Washington racetracks.

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 Douglas L. Moore, 6326 Martin Way, Suite 209, Olympia, WA 98516, phone 360-450-6462, fax 360-450-6461, TTY 360-450-6462, email doug.moore@whrc.state.wa.us, website www.whrc.wa.gov; or Amanda Benton, 6326 Martin Way, Suite 209, Olympia, WA 98516, phone 360-450-6462, fax 360-450-6461, TTY 360-450-6462, email amanda.benton@whrc.state.wa.us, website www.whrc.wa.gov.

October 6, 2019
 Douglas L. Moore
 Executive Secretary

WSR 19-23-011
PREPROPOSAL STATEMENT OF INQUIRY
STUDENT ACHIEVEMENT COUNCIL

[Filed November 7, 2019, 6:58 a.m.]

Subject of Possible Rule Making: State need grant, chapter 250-20 WAC:

1. Repeal chapter 250-20 WAC, State student financial aid program—Need grant, which was repealed by ESSHB [E2SHB] 2158.
2. Per ESSHB [E2SHB] 2158, section 19(2) establish rules for implementation of the Washington college grant, to be created under chapter 250-21 WAC, Washington college grant.
3. Comprehensive technical and administrative changes and corrections to align WAC with RCW and other recent legislative direction, as well as codifying current practice in various operational areas.

- 4. Clarify institutional participation rule for active, prospective, and former institutional participants.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 28B.76, 28B.77, 28B.92 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: 1. Program WAC requires changes to repeal chapter 250-20 WAC, State need grant, and create chapter 250-21 WAC, Washington college grant, to reflect legislative changes.

2. Clarifying institutional participation rules will improve transparency and codify current practice.

Process for Developing New Rule: Agency study; and major technical corrections and additions aligning program operations with legislative direction and current practice. Clarification of institutional participation rules. Both in collaboration with affected partners.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Carla Idohl-Corwin, Student Achievement Council, 917 Lakeridge Way, P.O. Box 43430, Olympia, WA 98504-3430, phone 360-753-7847, email carlai@wsac.wa.gov, website www.wsac.wa.gov.

Carla Idohl-Corwin
Senior Associate Director
Need Based Programs and Operations

WSR 19-23-028

**PREPROPOSAL STATEMENT OF INQUIRY
BATES TECHNICAL COLLEGE**

[Filed November 8, 2019, 2:06 p.m.]

Subject of Possible Rule Making: Amending chapter 495A-104 WAC, Board of trustees.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 42.30.075, chapter 34.05 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Content in this current WAC is being updated and aligned with college policies and procedures.

Process for Developing New Rule: This is an existing WAC and is being amended and updated.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Dr. Jean Hernandez, 1101 South Yakima Avenue, Room 332, phone 253-680-7163, fax 253-680-7101, email jehernandez@batestech.edu, website https://batestech.edu.

November 7, 2019
Dr. Jean Hernandez
Special Assistant
to the President

WSR 19-23-029

**PREPROPOSAL STATEMENT OF INQUIRY
BATES TECHNICAL COLLEGE**

[Filed November 8, 2019, 2:17 p.m.]

Subject of Possible Rule Making: Amending chapter 495A-133 WAC, College operations and information.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 42.30.075, chapter 34.05 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Content in this current WAC is being updated and aligned with college policies and procedures.

Process for Developing New Rule: This is an existing WAC and is being amended and updated.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Dr. Jean Hernandez, 1101 South Yakima Avenue, Room 332, phone 253-680-7163, fax 253-680-7101, email jehernandez@batestech.edu, website https://batestech.edu.

November 7, 2019
Dr. Jean Hernandez
Special Assistant
to the President

WSR 19-23-037

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF TRANSPORTATION**

[Filed November 12, 2019, 10:07 a.m.]

Subject of Possible Rule Making: Zero emission vehicle charging and refueling infrastructure program.

Statutes Authorizing the Agency to Adopt Rules on this Subject: E2SHB 2042 section 3 amends RCW 47.04.350 to expand the electric vehicle infrastructure program to include hydrogen fueling stations.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: RCW 47.04.350 was amended to expand the electric vehicle infrastructure program to include hydrogen fueling stations.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Coordinating with stakeholders including Washington state departments of commerce, ecology, and enterprise services.

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 Tonia Buell, Washington State Department of Transportation, Innovative Partnerships, P.O. Box 47395 Olympia, WA 98504-7395, phone 360-705-7439, email partnerships@wsdot.wa.gov, website www.wsdot.wa.gov.

November 12, 2019
Kara Larsen, Director
Risk Management
and Legal Services

WSR 19-23-044
PREPROPOSAL STATEMENT OF INQUIRY
LIQUOR AND CANNABIS
BOARD

[Filed November 13, 2019, 11:41 a.m.]

November 14, 2019
 Douglas L. Moore
 Executive Secretary

Subject of Possible Rule Making: Chapter 314-28 WAC, Distillers, the Washington state liquor and cannabis board (board) is considering revisions to chapter 314-28 WAC to add alternating proprietorship requirements for distilleries and craft distilleries.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 66.08.030, 66.24.140, 66.24.145.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Revisions to chapter 314-28 WAC are needed to add alternating proprietorship requirements for distilleries and craft distilleries. The board will consider adding a new section to the chapter and amending existing sections.

Additional technical and clarifying changes will also be considered.

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 Janette Benham, P.O. Box 43080, Olympia, WA 98504, phone 360-664-1760, fax 360-664-9689, email rules@lcb.wa.gov, website www.lcb.wa.gov.

November 13, 2019
 Jane Rushford
 Chair

WSR 19-23-050
PREPROPOSAL STATEMENT OF INQUIRY
HORSE RACING COMMISSION

[Filed November 14, 2019, 1:20 p.m.]

Subject of Possible Rule Making: WAC 260-12-010 Definitions and 260-40-120 Identification prerequisite to start.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 67.16.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To amend language regarding the use of microchips and digital tattoos as a means of indentifying [identifying] horses.

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 Douglas L. Moore, 6326 Martin Way, Suite 209, Olympia, WA 98516, phone 360-450-6462, fax 360-450-6461, TTY 360-450-6462, email doug.moore@whrc.state.wa.us, website www.whrc.wa.gov; or Amanda Benton, 6326 Martin Way, Suite 209, Olympia, WA 98516, phone 360-450-6462, fax 360-450-6461, TTY 360-450-6462, email amanda.benton@whrc.state.wa.us, website www.whrc.wa.gov.

WSR 19-23-053

PREPROPOSAL STATEMENT OF INQUIRY
WASHINGTON STATE LOTTERY

[Filed November 14, 2019, 2:51 p.m.]

Subject of Possible Rule Making: Chapter 315-39 WAC, Hit 5 game rules, Washington's lottery is proposing to amend current language in this chapter in order to make the game more interesting and relevant for players.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 67.70.040 (1),(3).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Hit 5 game has not met recent sales goals. The lottery is considering amendments to this chapter in order to make the game more interesting and relevant for players by potentially changing elements such as draw frequency, ticket price, and prize structure.

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

Process for Developing New Rule: The agency will use a collaborative rule-making process to develop the proposed rule. The lottery will post the draft rule on the agency's website and notify interested parties of the opportunity to provide informal comments. Staff will evaluate comments in coordination with the lottery commission and edit the draft rule consistent with the intent of this rule making prior to proposing the rule for adoption. The proposed rule will be shared with interested parties via the agency's website. Formal comments will be taken in writing during the formal comment period and in person 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 Kristi Weeks, P.O. Box 4300 [43000], Olympia, WA 98504-3000, phone 360-810-2881, fax 360-515-0416, email KWeeks@walottery.com, website www.walottery.com.

November 14, 2019
 Kristi Weeks
 Director of Legal Services

WSR 19-23-054

PREPROPOSAL STATEMENT OF INQUIRY
WASHINGTON STATE LOTTERY

[Filed November 14, 2019, 2:51 p.m.]

Subject of Possible Rule Making: Chapter 315-31 WAC, Daily game rules, Washington's lottery is proposing to revise language in this chapter for housekeeping purposes and potentially change the game's name.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 67.70.040 (1), (3).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Washington's lottery is considering language changes related to the name of this game in order to reduce confusion for players.

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

Process for Developing New Rule: The agency will use a collaborative rule-making process to develop the proposed rule. The lottery will post the draft rule on the agency's website and notify interested parties of the opportunity to provide informal comments. Staff will evaluate comments in coordination with the lottery commission and edit the draft rule consistent with the intent of this rule making prior to proposing the rule for adoption. The proposed rule will be shared with interested parties via the agency's website. Formal comments will be taken in writing during the formal comment period and in person 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 Kristi Weeks, P.O. Box 4300 [43000], Olympia, WA 98504-3000, phone 360-810-2881, fax 360-515-0416, email KWeeks@walottery.com, website www.walottery.com.

November 14, 2019
Kristi Weeks
Director of Legal Services

WSR 19-23-055

PREPROPOSAL STATEMENT OF INQUIRY WASHINGTON STATE LOTTERY

[Filed November 14, 2019, 2:52 p.m.]

Subject of Possible Rule Making: Chapter 315-06 WAC, General lottery rules, the agency is considering a new rule to create a voluntary self-exclusion program.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 67.70.040 (1), (3).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Washington's lottery has been required to adopt rules no later than June 30, 2021, to establish a program allowing a person to voluntarily exclude themselves from lottery activities (SHB 1302 (2019)). A voluntary self-exclusion program would give persons suffering from problem gambling or gambling disorder the opportunity to have a time-limited period when they would not be able to redeem winning lottery tickets or participate in lottery promotions.

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

Process for Developing New Rule: The agency will use a collaborative rule-making process to develop the proposed rule. The lottery will post the draft rule on the agency's website and notify interested parties of the opportunity to provide informal comments. Staff will evaluate comments in coordination with the lottery commission and edit the draft rule consistent with the intent of this rule making prior to proposing

the rule for adoption. The proposed rule will be shared with interested parties via the agency's website. Formal comments will be taken in writing during the formal comment period and in person 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 Kristi Weeks, P.O. Box 4300 [43000], Olympia, WA 98504-3000, phone 360-810-2881, fax 360-515-0416, email KWeeks@walottery.com, website www.walottery.com.

November 14, 2019
Kristi Weeks
Director of Legal Services

WSR 19-23-061

PREPROPOSAL STATEMENT OF INQUIRY EASTERN WASHINGTON UNIVERSITY

[Filed November 15, 2019, 10:55 a.m.]

Subject of Possible Rule Making: Chapter 172-191 WAC, Student education records.

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: Revisions may be needed to address changes in process and procedures.

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 Joseph Fuxa, 314 Showalter Hall, Eastern Washington University, Cheney, WA 99004, phone 509-359-7496, fax 509-359-2874, email jfuxa@ewu.edu, website <https://inside.ewu.edu/policies/>.

November 15, 2019
Joseph Fuxa
Labor Relations Manager

WSR 19-23-081

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LABOR AND INDUSTRIES

[Filed November 19, 2019, 10:29 a.m.]

Subject of Possible Rule Making: Chapter 296-14 WAC, Industrial insurance.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 51.04.020, 51.04.030, 51.32.185.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Legislation passed during the 2019 and 2018 sessions (chapter 133, Laws of 2019, HB 1913; and chapter 264, Laws of 2018, SSB 6214) resulted in updates to RCW 51.32.185. This rule making will amend existing rules conflicting with the law, and clarify presumptive coverage for certain firefighters, law enforcement offi-

cers, and emergency medical technicians covered under workers' compensation.

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

Process for Developing New Rule: Parties interested in these rules may contact the individual listed below. The public may also participate by commenting after amendments are proposed by providing written comments and/or testimony during the public hearing and comment process. Public hearings will be held after the proposal is filed.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jordan Ely, Legal Services, P.O. Box 44250, Olympia, WA 98504-4250, phone 360-902-4616, fax 360-902-9101, TTY 360-902-4252, email Jordan.Ely@Lni.wa.gov.

November 19, 2019
Joel Sacks
Director

individual listed below. The public may also participate by commenting after 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 Cynthia Ireland, Administrative Regulations Analyst, Department of Labor and Industries, Division of Occupational Safety and Health, P.O. Box 44620, Olympia, WA 98504-4620, phone 360-902-5522, fax 360-902-5619, email cynthia.ireland@Lni.wa.gov, website www.Lni.wa.gov.

November 19, 2019
Joel Sacks
Director

WSR 19-23-082
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed November 19, 2019, 10:29 a.m.]

Subject of Possible Rule Making: Chapter 296-155 WAC, Safety standards for construction work, Part L - Cranes, rigging, and personnel lifting.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060, 49.17.400, 49.17.410, 49.17.420, 49.17.430, and 49.17.440.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This proposed rule making is federally initiated. The Occupational Safety and Health Administration (OSHA) recently updated their standard for cranes and derricks in construction by clarifying each employer's duty to ensure the competency of crane operators through training, certification or licensing, and evaluation. OSHA also altered a provision that required different levels of certification based on the rated lifting capacity of equipment. While testing organizations are not required to issue certifications distinguished by rated capacities, they are permitted to do so, and employers may accept them or continue to rely on certifications based on crane type alone. OSHA's rule also establishes minimum requirements for determining operator competency. Finally, state-initiated amendments will also be proposed to address other areas in chapter 296-155 WAC relating to cranes that either need to be updated based on current industry practice or clarifying some of the language to maintain safety and health protections for employees.

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

Process for Developing New Rule: Parties interested in the formulation of these rules for proposal may contact the