

**WSR 21-02-026
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
STATE BOARD OF EDUCATION**

[Filed December 28, 2020, 1:53 p.m.]

Please rescind [withdraw] Preproposal statement of inquiry WSR
19-12-043 regarding chapter 180-08 WAC.

Parker Teed
Basic Education Manager

WSR 21-02-032
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF COMMERCE

[Filed December 29, 2020, 8:19 a.m.]

Subject of Possible Rule Making: Chapter 365-196 WAC, Procedural criteria for adopting comprehensive plans and development regulations; chapter 365-190 WAC, Minimum guidelines to classify agricultural, forest and mineral lands and critical areas; and chapter 365-195 WAC, Best available science.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 36.70A.050, 36.70A.190.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To bring the rules into conformance with recent legislative changes, new case law, and to clarify existing rules so local governments can better implement the Growth Management Act (GMA). Recent legislative changes include revisions to the periodic update cycle for local governments, the buildable lands program, and siting schools outside of urban growth areas.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Commerce will use the interagency work group (IAWG) for ongoing coordination with agencies that work with local governments on GMA issues. IAWG is a group of state agency representatives that meet regularly to coordinate state agency participation in local government GMA planning. It includes representatives from the departments of ecology, transportation, fish and wildlife, commerce, health, natural resources, agriculture, archaeology and historic preservation, and other state agency representatives. Commerce will host additional breakout meetings with state agencies as needed and will leverage information and discussion from Phase II of the study on Washington's planning framework to inform the scope of necessary changes.

Process for Developing New Rule: Commerce will solicit feedback from local governments throughout the rule-making process. The public is encouraged to provide comments and recommendations on the scope and the draft rules posted on the agency website at <https://www.commerce.wa.gov/about-us/rulemaking/> and distributed to our mailing list. Commerce may facilitate focus groups for additional discussion on particular topics with state agencies and other stakeholders. After the draft amendments are proposed, the public may provide 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 William Simpson, 10 North Post Street, Suite 445, Spokane, WA 99201, phone 509-280-3602, email william.simpson@commerce.wa.gov, website <https://www.commerce.wa.gov/about-us/rulemaking/>; or Dave Andersen, 10 North Post Street, Suite 445, Spokane, WA 99201, phone 509-434-4491, email dave.andersen@commerce.wa.gov, website <https://www.commerce.wa.gov/about-us/rulemaking/>.

December 29, 2020
Dave Pringle
Rules Coordinator

WSR 21-02-042
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY

[Filed December 30, 2020, 12:08 p.m.]

Subject of Possible Rule Making: WAC 182-512-0550 SSI-related medical—All other excluded resources; other related rules as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.021, 41.05.160.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Some clients receiving long-term services and supports (LTSS) have accumulated resources under requirements described in section 6008 of the Families First Coronavirus Response Act (FFCRA) that may result in their loss of coverage when the public health emergency (PHE) ends. The proposed amendment allows the client to spend down these excess resources over twelve months beginning the month following the end of the PHE. Also, the interim rule with comment published by the Centers for Medicare and Medicaid Services (CMS) that is being codified in 42 C.F.R. 433.400 requires action on changes in circumstances for these clients, which had been prohibited under FFCRA.

Without this amendment, this action will have a disproportionate impact on some clients receiving LTSS. Depending on which program is providing services and where the client lives, at home or in an institution, some will have to spend down these accumulated resources on their cost of care, while others would keep to spend them through the end of the PHE.

During the course of this review, the agency may identify additional related changes that are required in order to improve clarity or update policy.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: CMS via the state plan amendment process.

Process for Developing New Rule: The agency welcomes the public to take part in developing this rule. If interested, contact the person identified below to receive an early rule draft to review. After the early review, the agency will send a notice of proposed rule making (CR-102) to everyone receiving this notice and anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Michael Williams, Rulemaking Questions, P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-1346, fax 360-586-9727, telecommunication[s] relay service (TRS) 711, email michael.williams@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking; or Steve Kozak, Program Questions, P.O. Box 45534, Olympia, WA 98504-2716, phone 360-725-1343, fax 360-586-9727, TRS 711, email stephen.kozak@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking.

December 30, 2020
Wendy Barcus
Rules Coordinator

WSR 21-02-051
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF REVENUE

[Filed January 4, 2021, 10:54 a.m.]

Subject of Possible Rule Making: WAC 458-20-277 Certified service providers—Compensation.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 82.32.300, 82.01.060(2), and 82.32.715.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To explain the role and responsibilities of a certified service provider (CSP) and to explain the monetary allowances due to a CSP with respect to specified sellers collecting and remitting retail sales and use tax in Washington. The department is proposing amending WAC 458-20-277 to incorporate changes to the certified service provider contract adopted by the streamlined sales tax governing board that become effective January 1, 2021.

Process for Developing New Rule: Parties interested in this rule making may contact the individual listed below. The public may also participate by providing written comments throughout this rule making or providing oral comments at the public meeting or public hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Matthew Largent, department of revenue, phone 360-534-1590, fax 360-534-1606, email MatthewL@dor.wa.gov.

Additional comments: Written comments may be submitted by mail or email and should be directed to [Matthew Largent] using one of the contact methods above. Written and oral comments will be accepted at the public meeting on January 27, 2021, at 10:00 a.m., telephonic/internet meeting only. Contact Keith Dacus at KeithD@dor.wa.gov for dial-in/login information.

January 4, 2021
Atif Aziz
Rules Coordinator

WSR 21-02-078
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE

[Filed January 5, 2021, 4:30 p.m.]

Subject of Possible Rule Making: The department is considering amending current Puget Sound commercial fishing rules resulting from stakeholder recommendations made during the 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 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: National Oceanic and 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/or take part in the North of Falcon meetings and recommendations.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Rules Coordinator, P.O. Box 43200, Olympia, WA 98501-3200, phone 360-870-6975, fax 360-902-2155, email Rules.Coordinator@dfw.wa.gov.

January 5, 2021
Ben Power
Rules Coordinator

WSR 21-02-079
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE

[Filed January 5, 2021, 4:33 p.m.]

Subject of Possible Rule Making: The department is considering amending current recreational fishing rules resulting from stakeholder recommendations made during the 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 Rules Coordinator, P.O. Box 43200, Olympia, WA 98501-3200, phone 360-870-6975, fax 360-902-2155, email Rules.Coordinator@dfw.wa.gov.

January 5, 2021
Ben Power
Rules Coordinator

WSR 21-02-082
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE

[Filed January 6, 2021, 8:38 a.m.]

Subject of Possible Rule Making: Amendments to Washington department of fish and wildlife's (WDFW) coastal commercial salmon fishing rules, resulting from North of Falcon recommendations.

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 and Atmospheric Administration Fisheries and the National Marine Fisheries Service. These agencies, as well as WDFW, the Pacific Fisheries Management Council, and the Pacific Salmon Commission, all provide input and take part in the North of Falcon meetings and recommendations.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Barbara McClellan, 48 Devonshire Road, Montesano, WA 98563, phone 360-249-1213, fax 360-249-1229, email Barbara.McClellan@dfw.wa.gov.

Additional comments: Contact by May 7, 2021. Expected proposal filing on or after May 19, 2021.

January 6, 2021
Ben Power
Rules Coordinator

WSR 21-02-084
PREPROPOSAL STATEMENT OF INQUIRY
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed January 6, 2021, 9:05 a.m.]

Subject of Possible Rule Making: Chapter 392-341 WAC, State assistance in providing school plant facilities—Preliminary provisions; chapter 392-342 WAC, State assistance in providing school plant facilities—Educational Specifications and site selection; chapter 392-343 WAC, State funding assistance in providing school plant facilities—Basic state support; chapter 392-344 WAC, State assistance in providing school plant facilities—Procedural regulations; and chapter 392-347 WAC, State funding assistance in providing school plant facilities—Modernization.

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 to the study and survey process and the D-Forms process as required by section 5015, chapter 413, Laws of 2019. Amending the rules is intended to ease the administrative process followed by school districts in conducting study and surveys and participating in the OSPI 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, 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].

January 5, 2021
Chris P. S. Reykdal
State Superintendent
of Public Instruction

WSR 21-02-085
PREPROPOSAL STATEMENT OF INQUIRY
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed January 6, 2021, 9:06 a.m.]

Subject of Possible Rule Making: Chapter 392-132 WAC, Finance—
Nonhigh participatory finance.

Statutes Authorizing the Agency to Adopt Rules on this Subject:
RCW 28A.525.020, 28A.545.110.

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 address capital construction
agreements entered into by host and nonhigh school districts. Current
rules could cause nonhigh school districts to be vulnerable to disso-
lution if the district and host high school district cannot agree to
terms of capital construction financing. Amending the rules would pro-
vide nonhigh districts with basic protections and ensure host dis-
tricts are able to secure necessary financing of capital construction
projects.

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, 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].

January 5, 2021
Chris P. S. Reykdal
State Superintendent
of Public Instruction