

WSR 06-04-002

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE**

[Filed January 19, 2006, 8:14 a.m.]

Subject of Possible Rule Making: Commercial and personal use rules.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Commercial and personal use sturgeon size rules in the Columbia River are set jointly through the Washington-Oregon Columbia River sturgeon management plan. Adjustments to the size limits are needed to conform to this plan.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Oregon department of fish and wildlife (ODFW), these rules are being changed to conform to agreements between ODFW and Washington department of fish and wildlife.

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 Lew Atkins, Fish Program Assistant Director, 600 Capitol Way North, Olympia, WA 98504-1091, phone (360) 902-2651. Contact by March 16, 2006, expected proposal filing on or after March 17, 2006.

January 18, 2006
Evan Jacoby
Rules Coordinator

WSR 06-04-003

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE**

[Filed January 19, 2006, 8:15 a.m.]

Subject of Possible Rule Making: Sale of wildlife rules.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is entering into negotiations to dispose of hides and horns of seized wildlife, wildlife killed under depredation permits, and potentially other wildlife coming under the department's control. Rules are needed to coordinate this disposal.

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

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 Bruce Bjork, Enforcement Program Assistant Director, 600 Capitol Way North, Olympia, WA

98504-1091, phone (360) 902-2373. Contact by March 16, 2006, expected proposal filing on or after March 17, 2006.

January 18, 2006
Evan Jacoby
Rules Coordinator

WSR 06-04-012

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
RETIREMENT SYSTEMS**

[Filed January 20, 2006, 10:33 a.m.]

Subject of Possible Rule Making: Rules that are affected by the 2005 amendments to RCW 41.26.500.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.50.050(5) and 41.26.500.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: RCW 41.26.500, amended in the 2005 legislative session, gives LEOFF Plan 2 retirees who become employed in eligible PERS, TRS, SERS and PSERS positions two options:

1. To join membership in that retirement system and have their LEOFF 2 retirement allowance suspended; or
2. To not join membership and continue to receive their LEOFF 2 retirement allowance.

The department will amend rules that are affected by this amendment.

Process for Developing New Rule: The department of retirement systems (DRS) will develop the draft rule(s) with the assistance of the attorney general's office. The public is invited and encouraged to participate, as described below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. DRS encourages your active participation in the rule-making process. After the rule(s) is drafted, DRS will file a copy with the office of the code reviser with a notice of proposed rule making. The notice will include the time and date of a public rules hearing. DRS will send a copy of the notice and the proposed rule(s) to everyone currently on the mailing list and anyone else who requests a copy. To request a copy or for more information on how to participate, please contact Leslie Saeger, Rules and Contracts Coordinator, Department of Retirement Systems, P.O. Box 48380, Olympia, WA 98504-8380, voice (360) 664-7291, TTY (360) 586-5450, fax (360) 753-3166, e-mail leslies@drs.wa.gov.

January 18, 2006
Leslie Saeger
Rules Coordinator

WSR 06-04-020

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)**

[Filed January 23, 2006, 4:20 p.m.]

Subject of Possible Rule Making: The department is proposing to amend working connections child care (WCCC), WAC 388-290-0045, 388-290-0055, 388-290-0190 and other sections as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.12.340, and 74.13.085.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The governor's mandate for the WorkFirst redesign is precipitating changes to WACs specific to TANF recipients. In some cases WCCC references to specific WorkFirst WAC will no longer be appropriate. These changes will clarify WCCC eligibility and payment requirements for TANF and non-TANF recipients.

Process for Developing New Rule: All interested parties are invited to review and provide input on draft rule language. Obtain draft material by contacting the identified representative below. The rules will also be posted on the policy proposal comment internet site at <http://www1.dshs.wa.gov/esa/extpolicy/>.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Sheri Bruu-Deleon, Program Manager, Division of Child Care and Early Learning, P.O. Box 45480, Olympia, WA 98504-5480, phone (360) 725-4675, fax (360) 413-3482, e-mail bruudsl@dshs.wa.gov.

January 23, 2006

Andy Fernando, Manager

Rules and Policies Assistance Unit

WSR 06-04-043

**WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Health and Recovery Services Administration)**

[Filed January 26, 2006, 4:16 p.m.]

The health and recovery services administration requests the withdrawal of the following preproposal statements of inquiry: Preproposal statement of inquiry filed as WSR 04-07-086 on March 16, 2004 (WAC 388-434-0005); preproposal statement of inquiry filed as WSR 04-07-115 on March 18, 2004 (chapter 388-535 WAC); and preproposal statement of inquiry filed as WSR 03-13-089 on June 16, 2003 (WAC 388-550-4800).

Andy Fernando, Manager

Rules and Policies Assistance Unit

WSR 06-04-051

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Health and Recovery Services Administration)**

[Filed January 27, 2006, 11:32 a.m.]

Subject of Possible Rule Making: WAC 388-478-0075 Medical programs—Monthly income standards based on the federal poverty level (FPL) and 388-478-0085 Medicare savings programs—Monthly income and countable resources standards.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.057, 74.08.090, 74.09.500, and 42 U.S.C. 9902(2).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is amending these rules to update the medical programs standards to reflect the upcoming April 1, 2006, increase in the federal poverty level.

Process for Developing New Rule: The department invites the interested public to review and provide input on the draft language of this rule. Draft material and information about how to participate may be obtained from the department representative listed below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Wendy Forslin, Program Manager, P.O. Box 45534, Olympia, WA 98504-5534, phone (360) 725-1328/1343, e-mail forslwc@dshs.wa.gov, fax (360) 664-0910, TTY 1-800-848-5429.

January 27, 2006

Andy Fernando, Manager

Rules and Policies Assistance Unit

WSR 06-04-078

**PREPROPOSAL STATEMENT OF INQUIRY
ATTORNEY GENERAL'S OFFICE**

[Filed January 31, 2006, 10:37 a.m.]

Subject of Possible Rule Making: Model rules for providing electronic records under the Public Records Act.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Section 4, chapter 483, Laws of 2005.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The legislature required the attorney general to adopt the Public Records Act model rules on a number of topics, including special issues involving requests for, and disclosure of, electronic records, RCW 42.17.348(2). On November 23, 2005, the attorney general proposed a set of model rules on various topics including electronic records. The section on electronic records, proposed WAC 44-14-050, proposed the following:

- The process for requesting electronic records is the same as the process for requesting paper records.
- An agency is not required to create a public record, create a data base, or reformat or alter an existing data base in a manner not maintained by the agency

for its business purposes, nor is an agency required to write code to respond to a public records request.

- An agency may choose to provide an electronic record in a printed, instead of electronic, format.
- An agency may choose to reformat or customize existing electronic records to respond to requests for information. (The proposed model rule set forth a number of criteria to guide the agency in determining whether to provide such customized access.)
- The agency may charge the requestor for the costs of customized access.

While some of the comments received were in favor of the proposed model rule on electronic records, the majority of public comments criticized the approach and indicated the need for an alternate approach to responding to requests for electronic records.

Therefore, on January 31, 2006, the attorney general adopted the proposed model rules on other topics but withdrew the electronic records portion from the proposed rule. This CR-101 initiates a separate rule-making proceeding to adopt Public Records Act model rules on electronic records. The proposed rule would add new sections in WAC 44-10-050 (the section reserved for electronic records) and would amend other portions of the model rules affecting electronic records (such as WAC 44-14-07003 Copying costs of electronic records and 44-14-03001(1), defining "public record"). We are initiating a separate rule-making proceeding to allow the public to submit comments on possible alternate approaches with the intent to develop a model rule on electronic records that will describe best practices on public records processing to aid records requestors and agencies.

The attorney general solicits comments on a proposal that would have the following elements:

- An electronic data base is a "public record" under the Public Records Act.
- The agency will provide records in an electronic data base if so requested.
- If the information requested from the data base has not previously been retrieved by the agency or is not of the type of information typically retrieved by the agency in its normal course of business, the agency nevertheless will retrieve the information and provide it to the requestor if it is possible to do so without the need of outside programming assistance.
- The costs for electronic copies or retrieval of information that may be charged to the requestor.
- Other issues affecting the provision of electronic records.

The attorney general encourages other proposals as well.

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

Process for Developing New Rule: Legislative mandate.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Any person wishing to submit written comments should send them by March 1, 2006, to Greg Overstreet, Special Assistant Attorney General for Government Accountability, P.O. Box 40100, Olympia, WA 98504-0100, voice

(360) 586-4802, fax (360) 664-0228, grego@atg.wa.gov. The attorney general also will hold one or more informal workshops at which interested persons may meet and discuss possible approaches to public disclosure issues involving electronic records. Any person interested in participating in such workshops should contact Greg Overstreet. Information on the electronic records model rules will be available as it is developed at www.atg.wa.gov/records/modelrules.

January 31, 2006

Rob McKenna

Attorney General

WSR 06-04-091

PREPROPOSAL STATEMENT OF INQUIRY

GAMBLING COMMISSION

[Filed February 1, 2006, 8:27 a.m.]

Subject of Possible Rule Making: All gambling operators.

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: Currently, cash, checks and electronic point-of-sale bank transfers (debit cards) are authorized forms of payment to participate in gambling activities (WAC 230-12-050). Gift certificates and gift cards are prepaid and are treated the same as cash. Staff will be presenting an amendment for filing at the March commission meeting which would allow gift certificates and gift cards as authorized forms of payment to participate in gambling activities.

Process for Developing New Rule: Interested parties can participate in the discussion of this proposed change by attending a commission meeting, or contacting the agency rules coordinator at the contact information below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Rick Day, Deputy Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3446; Neal Nunamaker, Deputy Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3449; or Susan Arland, Rules Coordinator, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3466, e-mail Susana@wsgc.wa.gov.

[Meetings on] March 10, 2006, at the Red Lion Hotel, 2300 Evergreen Park Drive, Olympia, WA 98502, (360) 943-4000; on April 14, 2006, at The Heathman Lodge, 7801 N.E. Greenwood Drive, Vancouver, WA 98662, (360) 254-3100; and on June 16, 2006, at the Marchs [Marcus] Whitman Hotel, 6 West Rose Street, Walla Walla, WA 99362, (509) 525-2200.

January 30, 2006

Susan Arland

Rules Coordinator

WSR 06-04-100**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF AGRICULTURE**

[Filed February 1, 2006, 11:41 a.m.]

Subject of Possible Rule Making: Amending chapter 16-436 WAC, Peach standards, by repealing WAC 16-436-186 Containers, removing all container requirements associated with peaches.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 15.17 RCW, Standards of grades and packs and chapter 34.05 RCW, Administrative Procedure Act.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: By removing the container requirements growers/packers and shippers would be allowed to pack and market various types of containers that may be requested or required by the buyers and the consuming public.

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

Process for Developing New Rule: In response to a request from the Washington state fruit commission, the Washington state department of agriculture staff will develop the rule proposal. In turn, industry representatives will review and comment on the proposed rule amendments. Interested parties can participate in the public hearing/public comment process, the dates of which will be announced when the department files the rule proposal with the code reviser.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jim Quigley, Program Manager, Fruit and Vegetable Inspection Program, P.O. Box 42560, Olympia, WA 98504-2560, phone (360) 902-1833, fax (360) 902-2085, e-mail jquigley@agr.wa.gov.

February 1, 2006

Robert W. Gore
Assistant Director