

WSR 06-02-017**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF ECOLOGY**

[Order 05-18—Filed December 23, 2005, 9:30 a.m.]

Subject of Possible Rule Making: This proposed rule making would amend chapter 173-153 WAC to reflect the legislative amendments to chapters 90.80 and 90.03 RCW adopted during the last two legislative sessions. It would also clarify continuing education reporting and documentation requirements for board commissioners and provide criteria for ecology to review continuing education credit requests. SHB 2307, chapter 104, Laws of 2004, entitled Water conservancy board—Commissioner eligibility, provided a definition of a "water right holder" for the purpose of determining representation requirements of board commissioners. This definition differs from the definition within the rule proposed to be amended. ESSB 6125, chapter 10, Laws of 2004, entitled Water conservancy board—Alternate, defined the position of "alternate commissioner" and authorized certain conditions under which an alternate may serve in the place of an absent commissioner. The adopted definition and conditions for service as a commissioner differs from that contained within the rule. Both of these bills were codified in chapter 90.80 RCW. ESHB 2309, Laws of 2005, entitled Water right fees, was codified in RCW 90.03.470. It modified the fees associated with the examination of water right change applications and eliminated the collection of a fee to ecology for applications filed with water conservancy boards. The proposed rule amendment would eliminate the requirement that boards forward a fee to the department and clarifies other application processing issues related to a departmental fee within the rule.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 90.80.040, authorizes the director to adopt rules in accordance with chapter 34.05 RCW necessary to carry out chapter 90.80 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The rule to be amended, chapter 173-153 WAC, provides the procedures and practices for counties as they establish water conservancy boards and appoint commissioners, for boards as they process water right change applications, and for ecology as it provides training and assistance to boards and reviews records of decisions issued by boards. The proposed amendments reconcile the rule governing the processing of water right change applications by water conservancy boards with amended statutes. The amendments would clarify continuing education reporting and documentation requirements for board commissioners and provide review criteria used by the department in the evaluation of training credit requests from board commissioners.

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 proposal is to amend an existing rule. Amendments to the rule will be drafted and reviewed internally. Water conservancy boards will be provided the opportunity to comment on the proposed rule. At least two public hearings will be conducted. Additionally the proposed amendments will be posted on the

department web site and will be provided to parties that have previously identified themselves as interested parties.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Janet Carlson, Water Conservancy Board Coordinator, phone (509) 329-3421, e-mail jaca461@ecy.wa.gov, Eastern Regional Office, Department of Ecology, North Monroe Street, Spokane, WA 99205-1295. They may also participate in the public hearings and provide comments to internet postings of the proposed amendments.

December 23, 2005

Ken Slattery
Program Manager**WSR 06-02-035****PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
RETIREMENT SYSTEMS**

[Filed December 28, 2005, 3:57 p.m.]

Subject of Possible Rule Making: Chapter 415-02 WAC, General provisions.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Amendments are needed to incorporate provisions for the public safety employees retirement system, chapter 41.37 RCW, which will be effective July 1, 2006. Other changes will be made for clarity and to address comments that were received in response to routine rule reviews.

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.

December 23, 2005

Leslie Saeger
Rules Coordinator

WSR 06-02-036
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING

[Filed December 28, 2005, 4:07 p.m.]

Subject of Possible Rule Making: Setting period of driver's license suspension for providing false information when applying for a commercial driver's license.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.01.110 and 46.20.291.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Federal regulations, 49 C.F.R. 383.73(g), requires that the state shall at a minimum suspend, cancel, or revoke a person's commercial driver's license or his or her pending application, or disqualify the person from operating a commercial motor vehicle for a period of at least sixty consecutive days if he or she has falsified information in connection with an application for a commercial driver's license. Adopting a rule on this subject will ensure that the state of Washington remains in compliance with federal requirements.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Federal Motor Carrier Safety Administration (FMCSA). The department has consulted with the FMCSA in assessing the need for this rule.

Process for Developing New Rule: Federal audit finding.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Clark J. Holloway, P.O. Box 9030, Olympia, WA 98507-9030, phone (360) 902-3846, e-mail cholloway@dol.wa.gov, fax (360) 586-8351.

December 27, 2005

Becky Loomis
 Assistant Director

WSR 06-02-040
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF AGRICULTURE

[Filed December 29, 2005, 8:18 a.m.]

Subject of Possible Rule Making: Dead animal disposal.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 16.68 RCW, Disposal of dead animals, chapter 16.36 RCW, Animal health.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Over the past several years, the department of health, department of ecology, and the Washington state department of agriculture (WSDA) have identified deficiencies in the current regulation of disposal of dead animals. The department of ecology has recently issued guidelines for composting of animal carcasses and the board of health has initiated rule making on the routine disposal of dead animals. Chapters 16.68 and 16.36 RCW authorize WSDA to adopt rules related to the disposal of animals which have died from disease to prevent the spread of animal disease. WSDA is now initiating the rule-making process to address the need for regulation, which provides

appropriate options for livestock producers to deal with livestock death and to maintain regulatory consistence among the various state agencies with authority in this area.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The department is working in conjunction with the Washington board of health, department of health, and department of ecology. A workgroup has been created with key members from each of these agencies, as well as key stakeholder representative to develop potential rules proposed in this filing.

Process for Developing New Rule: The draft rule language will be developed as a collaborative effort with a workgroup involving agencies and stakeholder representatives. Interested parties may contact the department for information on how to participate in the workgroup. Once the draft rule language is finalized, notice will be published. Interested parties can submit comments during the public comment period and can also participate 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 Lynn Briscoe, Special Assistant to the State Veterinarian, P.O. Box 42577, Olympia, WA 98504, phone (360) 902-1987, fax (360) 902-2087, e-mail lbriscoe@agr.wa.gov. See above for participation opportunities.

December 28, 2005

Lynn M. Briscoe
 Special Assistant to
 the State Veterinarian

WSR 06-02-064
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
RETIREMENT SYSTEMS

[Filed January 3, 2006, 12:13 p.m.]

Subject of Possible Rule Making: The department is planning to adopt a rule to tell retirees and beneficiaries how to authorize deductions from their monthly retirement allowance.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.50.050(5), 41.26.053, 41.32.052, 41.35.-100, 41.37.090, 41.40.052, 43.43.295.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To tell retirees and beneficiaries how to authorize certain deductions from their monthly retirement allowance, and how to revoke that authorization. Deductions may be authorized for qualified insurance premiums, charitable contributions and association dues.

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.

December 30, 2005

Leslie Saeger
Rules Coordinator

WSR 06-02-069
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)

[Filed January 3, 2006, 4:20 p.m.]

The economic services administration requests the withdrawal of the preproposal statement of inquiry filed as WSR 05-06-078 on March 1, 2005 (WAC 388-290-0010, 388-290-0025, 388-290-0075, 388-290-0095, 388-290-0100, 388-290-0105, 388-290-0110, and 388-290-0120).

Andy Fernando, Manager
Rules and Policies Assistance Unit

WSR 06-02-072
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Aging and Disability Services Administration)

[Filed January 3, 2006, 4:24 p.m.]

Subject of Possible Rule Making: The department is proposing the creation of new chapter 388-828A WAC for the division of developmental disabilities (DDD) plan of care module and revising and/or adopting other related rules as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Title 71A RCW, RCW 71A.12.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In June 2003, the joint legislative audit and review committee (JLARC) recommended that DSHS develop an assessment process for developmentally disabled clients designed to be consistently applied to all clients in all parts of the state. Part of developing this assessment process includes defining requirements for implementing a newly developed "plan of care" module for DDD eligible clients.

Rules are needed to govern and support the implementation of the "plan of care" requirements. Adoption of these

rules will help promote consistent application and understanding of the division's "plan of care" process. As needed, the department may revise and/or adopt other related DDD rules to support implementation of the plan of care module.

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

Process for Developing New Rule: At a later date, the department will file proposed rules and a proposed rule-making notice for publication in the Washington State Register, invite public comments, and hold a public hearing. The proposal will be sent to everyone on the mailing list to receive rule-making notices on this subject, and to anyone who requests the proposal.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Mark R. Eliason, Policy Manager, DDD Assessment Project, P.O. Box 45310, Olympia, WA 98504-5310, phone (360) 725-2517, fax (360) 407-0955, e-mail eliasmr2@dshs.wa.gov.

December 30, 2005

Andy Fernando, Manager
Rules and Policies Assistance Unit

WSR 06-02-073
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)

[Filed January 3, 2006, 4:27 p.m.]

Subject of Possible Rule Making: The division of child support (DCS) is making new sections and/or amendments in chapter 388-14A WAC, including WAC 388-14A-3205 How does DCS calculate my income?, and other new or amended sections as may become necessary to clarify how DCS completes the Washington child support schedule worksheets in a foster care case.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 34.05.220(1), 74.08.090, 74.20A.055, 74.20A.056.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: DCS seeks to clarify the rules and procedures concerning completion of the worksheets under the Washington state child support schedule, determining the income of the parties to a child support establishment proceeding, and determining the administrative child support obligation in a foster care case after the *Hochreiter* decision.

Process for Developing New Rule: DCS engages in modified collaborative rule making. Those persons wishing to participate in developing the new rules are encouraged to contact Nancy Koptur at the DCS headquarters as soon as possible. DCS will post information regarding this rule development project and others on its web site, which can be found at www.wa.gov/dshs.dcs, or on the DSHS economic services administration's policy review web site, which can be found at <http://www1.dshs.wa.gov/esa/extpolicy/>. DSHS/

DCS encourages the public to take part in developing the rules. After the rules are drafted, DSHS will file a copy with the office of the code reviser with a notice of proposed rule making, and will send a copy to everyone currently on the mailing list and to anyone else 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 Nancy Koptur, DCS Rules Coordinator, Division of Child Support, P.O. Box 9162, Mailstop 45860, Olympia, WA 98507-9162, phone (360) 664-5065, e-mail nkoptur@dshs.wa.gov, toll-free 1-800-457-6202, fax (360) 664-5055, TTY/TDD (360) 664-5011.

December 30, 2005

Andy Fernando, Manager
Rules and Policies Assistance Unit

WSR 06-02-074

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

(Children's Administration)

[Filed January 3, 2006, 4:28 p.m.]

Subject of Possible Rule Making: The department is proposing an amendment to the current Washington Administrative Code regarding services provided by children's administration (WAC 388-32-0030), that would remove time limits for family reconciliation services phase II family crisis counseling.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 13.32A.040, 74.13.031, and 74.08.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: A new evidence based service option is being incorporated into family reconciliations services that can require more than twelve hours of counseling or take longer than forty-five days to complete.

Process for Developing New Rule: Children's administration will utilize stakeholder groups in the rule-making process to aid in clear and concise amendments to the rules. At a later date, the department will file proposed rules and a proposed rule-making notice for publication the Washington State Register, invite public comments, and hold a public hearing. The proposal will be sent to everyone on the mailing list to receive rule-making notices on this subject, and to anyone who requests the proposal.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Tim Kelly, P.O. Box 45710, Olympia, WA 98504-5710, mailstop 45710, phone (360) 902-7772, fax (360) 902-3248, e-mail ktd300@dshs.wa.gov.

December 30, 2005

Andy Fernando, Manager
Rules and Policies Assistance Unit

WSR 06-02-075

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

(Economic Services Administration)

[Filed January 3, 2006, 4:30 p.m.]

Subject of Possible Rule Making: The department is proposing new sections and/or amendments in chapter 388-14A WAC regarding the disbursement of child support payments.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 26.23.035.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The DSHS division of child support (DCS) seeks to increase the efficient administration of the program by establishing procedures whereby distribution of child support payments will be done by electronic funds transfer (EFT) or by disbursement to a stored value card (the DCS card) instead of by checks. This will decrease the length of time it takes to process payments once they have been received by DCS and will get the funds to the family more quickly. DCS will still provide disbursement by check to those custodial parents who choose not to utilize EFT or the stored value card.

Process for Developing New Rule: DCS engages in modified collaborative rule making. Those persons wishing to participate in developing the new rules are encouraged to contact Nancy Koptur at the DCS headquarters as soon as possible. DCS will post information regarding this rule development project and others on its web site, which can be found at www.wa.gov/dshs/dcs, or on the DSHS economic services administration's policy review web site, which can be found at <http://www1.dshs.wa.gov/esa/extpolicy/>. DSHS/DCS encourages the public to take part in developing the rules. After the rules are drafted, DSHS will file a copy with the office of the code reviser with a notice of proposed rule making, and will send a copy to everyone currently on the mailing list and to anyone else 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 Nancy Koptur, DCS Rules Coordinator, Division of Child Support, P.O. Box 9162, Mailstop 45860, Olympia, WA 98507-9162, phone (360) 664-5065, e-mail nkoptur@dshs.wa.gov, toll-free 1-800-457-6202, fax (360) 664-5055, TTY/TDD (360) 664-5011.

January 3, 2006

Andy Fernando, Manager
Rules and Policies Assistance Unit

WSR 06-02-080

**PREPROPOSAL STATEMENT OF INQUIRY
HORSE RACING COMMISSION**

[Filed January 4, 2005, 9:36 a.m.]

Subject of Possible Rule Making: To develop rules for the conduct of group N wagering in Washington.

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 allow racing associations to offer additional wagering options to bettors in an attempt to increase overall wagering opportunities.

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

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Robert J. Lopez, Administrative Services Manager, Washington Horse Racing Commission, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, phone (360) 459-6462, fax (360) 459-6461, rlopez@whrc.state.wa.us.

December 29, 2005
R. M. Leichner
Executive Secretary

WSR 06-02-086

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF HEALTH

[Filed January 4, 2006, 10:48 a.m.]

Subject of Possible Rule Making: Trauma registry standards, WAC 246-976-420 Trauma registry—Department responsibilities and 246-976-430 Trauma registry—Provider responsibilities.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70.168.060 Department duties—Timelines, 70.168.090 Statewide data registry—Quality assurance program—Confidentiality.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The statewide trauma data registry was established to collect and analyze data on the incidence, severity and causes of trauma, including traumatic brain injury, and is used to improve the availability and delivery of prehospital and hospital trauma care services. The current registry rules, which include the data elements submitted to the Department of Health (DOH) by prehospital agencies and designated trauma acute and rehab services, became effective in January 2002. In order to collect the most relevant data and to improve the quality, quantity, efficiency and effectiveness of the trauma system, the trauma registry rules need to be reviewed and amended as appropriate.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No other agencies regulate this subject.

Process for Developing New Rule: Regulatory standards for the trauma registry already exist. DOH will meet with each regional trauma QI committee and other appropriate technical advisory committees to review the current standards and seek input on necessary changes to the existing rule.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Constituents and the public will be able to partici-

pate in the review and any necessary drafting of proposed language through open public meetings, mailings, e-mail, and/or posts to the DOH rules comment web site. Open public meetings will be available, and the final draft of the proposed rule language will be sent out to all affected and interested parties before the formal public hearing is held. Any questions regarding these rules should contact Tami Thompson, Rules Manager, Office of Emergency Medical Services and Trauma System, P.O. Box 47853, Olympia, WA 98504-7853, e-mail tami.thompson@doh.wa.gov, phone (360) 236-2859 or fax (360) 236-2829.

December 28, 2005
B. White
for M. C. Selecky
Secretary

WSR 06-02-091

PREPROPOSAL STATEMENT OF INQUIRY HEALTH CARE AUTHORITY

(Public Employees' Benefits Board)

[Order 06-02—Filed January 4, 2006, 11:24 a.m.]

Subject of Possible Rule Making: Reviewing rules related to premium refunds, retiree eligibility, waiving coverage and employee eligibility for participation in the PEBB medical flexible spending account plan.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The health care authority will be reviewing all requirements in Title 182 WAC related to premium refunds, retiree eligibility and waiving coverage to clarify and streamline administration of the PEBB program. WAC 182-12-116 will be amended to further clarify employee eligibility for participation in the public employees' benefits board (PEBB) medical flexible spending account plan. Other amendments will also be considered.

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

Process for Developing New Rule: Stakeholder mailing and public hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Barbara Scott, Health Care Authority, 676 Woodland Square Loop S.E., P.O. Box 42684, Olympia, WA 98504-2684, phone (360) 923-2642, fax (360) 923-2602.

January 4, 2006
Cyndi Presnell
Assistant Rules Coordinator

WSR 06-02-092

**PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY
(Public Employees' Benefits Board)
[Order 06-01—Filed January 4, 2006, 11:25 a.m.]**

Subject of Possible Rule Making: WAC 182-12-115 Eligible employees.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The health care authority will be amending WAC 182-12-115 to address summer coverage for part-time academic employees. Technical corrections and clarifications to the rule may also be considered.

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

Process for Developing New Rule: Stakeholder mailing and public hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Barbara Scott, Health Care Authority, 676 Woodland Square Loop S.E., P.O. Box 42684, Olympia, WA 98504-2684, phone (360) 923-2642, fax (360) 923-2602.

January 4, 2006

Cyndi Presnell

Assistant Rules Coordinator

WSR 06-02-096

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE
[Filed January 4, 2006, 11:28 a.m.]**

Subject of Possible Rule Making: Big game, small game, unclassified wildlife, deer, elk, bighorn sheep, mountain goat, and moose seasons and permit levels; auctions, raffles, and incentive tags; game management unit boundaries; special closures and firearm restriction areas; deer and elk areas, hunting hours, landowner hunting permits, equipment regulations, trapping seasons, definition of eastern and western Washington.

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: To provide recreational opportunity.

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 Dave Brittell, Assistant Director, Wildlife Program, 600 Capitol Way North, Olympia, WA 98501-1091, (360) 902-2504. Contact by February 23, 2006, rule proposal filing expected to be March 1, 2006.

Evan Jacoby

Rules Coordinator

WSR 06-02-095

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE
[Filed January 4, 2006, 11:27 a.m.]**

Subject of Possible Rule Making: Designating certain criminal offenses as infractions.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.15.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department has been working with the legislature to decriminalize certain offenses. Some rules that are currently classified as crimes will be proposed to become infractions.

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 February 16, 2006. Expected proposal filing on or after February 17, 2006.

January 4, 2006

Evan Jacoby

Rules Coordinator