



RULE-MAKING ORDER PERMANENT RULE ONLY

CR-103P (August 2017) (Implements RCW 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: September 13, 2017

TIME: 1:14 PM

WSR 17-19-058

Agency: Washington State Department of Commerce

Effective date of rule:

Permanent Rules

- 31 days after filing.
- Other (specify) _____ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

- Yes No If Yes, explain:

Purpose: To incorporate amendments made with the passage of SSB 5675, Chapter 69, Laws of 2017, amending elements of the statutes authorizing the Small Business Retirement Marketplace. Commerce intends to update the rules in 365-65 WAC in order to incorporate these amendments. The anticipated effects of the rule will be the effective operation of the marketplace.

Citation of rules affected by this order:

- New:
- Repealed:
- Amended: WAC 365-65-060, Approval of verified plans; WAC 365-65-080, Limits on fees
- Suspended:

Statutory authority for adoption: RCW 43.330.730-.750; SSB 5675, Chapter 69, Laws of 2017

Other authority:

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 17-15-124 on July 19, 2017 (date).
 Describe any changes other than editing from proposed to adopted version: WAC 365-65-080: Additional language regarding displaying de minimis fees on the Marketplace website was added in response to commenter concerns that consumers be made abundantly aware of fees. In addition, a subsection providing for a point-in-time evaluation of the need for de minimis fees was added in response to commenter concerns about limits on fees, the impacts of fees on enrollees' account balances, and the future management of the Small Business Retirement Marketplace.

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

- Name:
- Address:
- Phone:
- Fax:
- TTY:
- Email:
- Web site:
- Other:

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	___	Amended	<u>2</u>	Repealed	___

The number of sections adopted at the request of a nongovernmental entity:

New	___	Amended	___	Repealed	___
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The number of sections adopted on the agency's own initiative:

New	___	Amended	___	Repealed	___
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	___	Amended	___	Repealed	___
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The number of sections adopted using:

Negotiated rule making:	New	___	Amended	___	Repealed	___
Pilot rule making:	New	___	Amended	___	Repealed	___
Other alternative rule making:	New	___	Amended	___	Repealed	___

Date adopted: September 11, 2017

Name: Brian Bonlender

Title: Director

Signature:

