



PROPOSED RULE MAKING

CR-102 (December 2017) (Implements RCW 34.05.320)

Do NOT use for expedited rule making

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STATE OF WASHINGTON
FILED

DATE: September 18, 2019

TIME: 7:36 AM

WSR 19-19-087

Agency: Washington State Department of Commerce

Original Notice

Supplemental Notice to WSR _____

Continuance of WSR _____

Preproposal Statement of Inquiry was filed as WSR 19-15-149 published August 7th ; or

Expedited Rule Making--Proposed notice was filed as WSR _____; or

Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1); or

Proposal is exempt under RCW _____.

Title of rule and other identifying information: (describe subject) WAC 365-220 developmental disabilities endowment trust fund

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
November 12, 2019	1:30 pm - 2:30 pm	1011 Plum Street SE Olympia, WA 98504-2525 Driving directions are available at https://www.google.com/maps/place/1011+Plum+St+SE,+Olympia,+WA+98501/@47.0393734,-122.892165,16z/data=!4m2!3m1!1s0x549174e188b3aa8d:0xa295e21d13c91e23	Public parking is available near building. A map is available at http://www.commerce.wa.gov/wp-content/uploads/2018/06/Town-Square-Campus-Visitor-Parking-Map-v7.0.pdf or calling 360-725-4000.

Date of intended adoption: Not sooner than November 12, 2019 (Note: This is **NOT** the effective date)

Submit written comments to:

Name: Devin Proctor

Address: PO Box 42525, Olympia WA 98504-2525

Email: Devin.Proctor@commerce.wa.gov

Fax: 360-586-8440

Other:

By (date) November 30, 2019

Assistance for persons with disabilities:

Contact Peter Tassoni

Phone: 360-725-3125

Fax: 360-586-8440

TTY:

Email: peter.tassoni@commerce.wa.gov

Other:

By (date) November 8, 2019

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The department is amending WAC 365-220 Developmental Disabilities Endowment Trust Fund, as follows: clarifying WAC 365-220-0070, 365-220-0075, and 365-220-0100 to have consistent language regarding reversion of state match when an account is closed.

Reasons supporting proposal: The changes to WAC 365-220 update policy, improve clarity, and remove outdated information.

Three WACs cover the reversion of the state match contributions and earnings back to the program upon death, transfer or ineligibility of the beneficiary but the wording is not consistent between them. The WACs use different words although arguably the intent of those words was intended to be the same.

The governing board at the June 6, 2019 meeting confirmed the intent was that all unexpended state match and earnings would revert to the program when an individual account closed. In order to make the intent obvious, the special AAG strengthened the language in the draft rules to make the WACs consistent. AAG Adix approved those changes.

Statutory authority for adoption: RCW 43.330.437

Statute being implemented: RCW 43.330.430 through 43.330.437

Is rule necessary because of a:

Federal Law?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Federal Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
State Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

If yes, CITATION:

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

Name of proponent: (person or organization) department of commerce on behalf of the DDEF governing board

<input type="checkbox"/> Private
<input type="checkbox"/> Public
<input checked="" type="checkbox"/> Governmental

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting:	Peter Tassoni	PO Box 42525, Olympia WA 98504-2525	360-725-3125
Implementation:	Peter Tassoni	PO Box 42525, Olympia WA 98504-2525	360-725-3125
Enforcement:	Peter Tassoni	PO Box 42525, Olympia WA 98504-2525	360-725-3125

Is a school district fiscal impact statement required under RCW 28A.305.135? Yes No

If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

Name:
Address:
Phone:
Fax:
TTY:
Email:
Other:

Is a cost-benefit analysis required under RCW 34.05.328?

Yes: A preliminary cost-benefit analysis may be obtained by contacting:

Name:

Address:

Phone:

Fax:

TTY:

Email:

Other:

No: Please explain: RCW 34.05.328 does not apply to department rules unless requested by the joint administrative rules review committee or applied voluntarily.

Regulatory Fairness Act Cost Considerations for a Small Business Economic Impact Statement:

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see chapter 19.85 RCW). Please check the box for any applicable exemption(s):

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.061 because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.

Citation and description:

This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by RCW 34.05.313 before filing the notice of this proposed rule.

This rule proposal, or portions of the proposal, is exempt under the provisions of RCW 15.65.570(2) because it was adopted by a referendum.

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.025(3). Check all that apply:

RCW 34.05.310 (4)(b)
(Internal government operations)

RCW 34.05.310 (4)(e)
(Dictated by statute)

RCW 34.05.310 (4)(c)
(Incorporation by reference)

RCW 34.05.310 (4)(f)
(Set or adjust fees)

RCW 34.05.310 (4)(d)
(Correct or clarify language)

RCW 34.05.310 (4)(g)
((i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit)

This rule proposal, or portions of the proposal, is exempt under RCW _____.

Explanation of exemptions, if necessary: The proposed rule does not impose any costs on businesses.

COMPLETE THIS SECTION ONLY IF NO EXEMPTION APPLIES

If the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

No Briefly summarize the agency's analysis showing how costs were calculated. _____

Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses, and a small business economic impact statement is required. Insert statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

Name:

Address:

Phone:

Fax:

TTY:

Email:

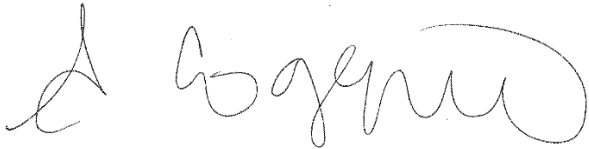
Other:

Date: September 10, 2019

Name: Sarah Coggins

Title: Policy Advisor / Rules Coordinator

Signature:

A handwritten signature in black ink, appearing to read 'S Coggins', written in a cursive style.