



RULE-MAKING ORDER PERMANENT RULE ONLY

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

CODE REVISER USE ONLY

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STATE OF WASHINGTON
FILED

DATE: December 17, 2019

TIME: 3:17 PM

WSR 20-01-152

Agency: 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: The department is amending WAC 365-220 Developmental Disabilities Endowment Trust Fund, as follows: clarifying WAC 365-220-070, 365-220-075, and 365-220-100 to have consistent language regarding reversion of state match when an account is closed.

Citation of rules affected by this order:

New:
 Repealed:
 Amended: 365-220-070, 365-220-075, 365-220-100,
 Suspended:

Statutory authority for adoption: 43.330.430 through 43.330.437

Other authority:

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 19-19-087 on September 18, 2019 (date).
Describe any changes other than editing from proposed to adopted version:

Changes in WAC 365-220-070 and 365-220-075 included a format edit that moved the proposed section (3) language about the state match reversion to section (2) options A and C. Although a bit repetitive, the change provides the clarity needed for each appropriate option versus qualifying all three options (A-C) when section (2) option B needed no qualification.

Changes in WAC 365-220-100 included deleting the newest language from the previous rulemaking regarding transferring funds to an ABLE account not requiring governing board approval. Since WAC 365-220-025 defines ABLE as an eligible disbursement, moving money to an ABLE account is not a transfer, and the whole sentence in WAC 365-220-100 is irrelevant and therefore deleted. Further, the proposed last sentence in this section is deleted since disbursements for allowable and eligible expenditures include any state match funds available to the beneficiary. The sentence is irrelevant in the context of a disbursement to an ABLE account. The proposed language and previous change were not necessary because these are not transfers of funds to ABLE accounts. The original language about how to initiate a funds transfer is still pertinent.

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 | ___ | Repealed | ___ |

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

| | | | | | |
|-----|-----|---------|-----|----------|-----|
| New | ___ | Amended | ___ | Repealed | ___ |
|-----|-----|---------|-----|----------|-----|

The number of sections adopted on the agency's own initiative:


| | | | | | |
|-----|-----|---------|----------|----------|-----|
| New | ___ | Amended | <u>3</u> | Repealed | ___ |
|-----|-----|---------|----------|----------|-----|

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

| | | | | | |
|-----|-----|---------|-----|----------|-----|
| New | ___ | Amended | ___ | Repealed | ___ |
|-----|-----|---------|-----|----------|-----|

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 | ___ |

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|---|---|
| Date Adopted: December 17, 2019 | Signature:  |
| Name: Sarah Coggins | |
| Title: Rules Coordinator, Department of Commerce | |