

WSR 18-10-007
EXPEDITED RULES
DEPARTMENT OF
NATURAL RESOURCES
 [Filed April 20, 2018, 11:28 a.m.]

April 20, 2018
 Brule Burkhart
 Deputy Supervisor
 for Administration

Title of Rule and Other Identifying Information: WAC 332-41-910 Designation of responsible official.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Addition of assistant division manager to the list of titles authorized to act as State Environmental Policy Act (SEPA) responsible official (RO).

Reasons Supporting Proposal: Currently the rule allows for only region managers, assistant region managers and division managers, or a superior management level official to be the SEPA RO. Because of the organizational structure of Washington geological survey and aquatic resources divisions, the division managers of those act as ROs for all SEPA proposals for their divisions. This rule change would provide an option for either of these division managers to delegate SEPA RO duties to an assistant division manager.

Statutory Authority for Adoption: Chapters 43.21C, 34.05 RCW, WAC 197-11-902(2), 197-11-904(1), 197-11-910 and delegation order, November 5, 2001, signature authority to adopt rules.

Statute Being Implemented: RCW 43.21C.110.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Department of natural resources (DNR), governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Rochelle Goss, 1111 Washington Street S.E., Olympia, WA, 360-902-2117.

This notice meets the following criteria to use the expedited adoption process for these rules:

Relates only to internal governmental operations that are not subject to violation by a person.

Explanation of the Reason the Agency Believes the Expedited Rule-Making Process is Appropriate: The designation of SEPA responsible officials within DNR is strictly a procedural, operational rule, the revision of which does not impact anyone outside of the agency.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Rochelle Goss, DNR, 1111 Washington Street S.E., P.O. Box 47015, Olympia, WA 98504-7015, phone 360-902-2117, fax 360-902-1789, email sepacenter@dnr.wa.gov, AND RECEIVED BY July 3, 2018.

AMENDATORY SECTION (Amending WSR 07-08-021, filed 3/27/07, effective 4/27/07)

WAC 332-41-910 Designation of responsible official.

(1) **Who may serve as DNR's SEPA responsible official?** Since the responsible official shall carry out duties and functions for the purpose of assuring DNR's compliance with SEPA and the SEPA rules, it is important that DNR clearly designates who will be the responsible official for a proposal.

(a) DNR's responsible official will be as follows:

(i) Division manager;

(ii) Designated region manager; (~~(iii)~~)

(iii) Designated assistant division manager; or

(iv) Designated assistant region manager.

(b) The responsible official for the harbor line commission shall be the division manager of the aquatic resources division.

(c) When the region manager or assistant region manager is involved with the proposal, or during emergencies, i.e., fire season, it may be necessary to assign the responsible official duties for a proposal to a region manager in another region. The division manager may also assume responsible official duties for the proposal.

(d) When potentially significant conflicting DNR interests exist involving DNR proposals that converge at the division manager or region manager level, or the proposal involves more than one region, a superior management-level official may act as the responsible official. See subsection (4) of this section for recommended qualifications.

(2) **What are the responsible official's duties?** When DNR is the lead agency, the responsible official shall review the environmental checklist and make the threshold determination in compliance with this chapter, chapters 43.21C RCW and 197-11 WAC, and specifically, WAC 197-11-330.

(3) **What other procedural requirements must be followed?** The responsible official shall carry out further SEPA compliance under WAC 197-11-340, 197-11-350, or 197-11-360, as appropriate. This includes notice and circulation requirements for threshold determinations.

(4) **What are the general qualifications of a DNR responsible official?** The responsible official shall not be the applicant, project leader, or the decision maker for the proposal. The official shall have general technical expertise sufficient to assess the impacts of the proposal.

(5) **What if a determination of significance is issued?** When an environmental impact statement is required based on the threshold determination, scoping and EIS preparation under chapter 197-11 WAC shall occur under direction of the responsible official.

WSR 18-10-032
EXPEDITED RULES
DEPARTMENT OF REVENUE

[Filed April 25, 2018, 9:04 a.m.]

Title of Rule and Other Identifying Information: WAC 458-19-005 Definitions, 458-19-010 Levy limit and levy rate calculations, and 458-19-020 Levy limit—Method of calculation.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: WAC 458-19-005 is being amended to incorporate language from:

- HB 1940 (2015) that explains prorating for flood control zone districts;
- 2ESSB 5987 (2015) that describes prorating for regional transit authorities;
- SHB 1467 (2017) that explains prorating for regional fire protection service authorities; and
- EHB 2242 (2017) that provides for basic education funding.

WAC 458-19-010 and 458-19-020 are being amended to incorporate language from:

- EHB 2242 (2017) that provides for basic education funding.

Reasons Supporting Proposal: WAC 458-19-005, 458-19-010, and 458-19-020 are being updated to clarify the types of regular taxing district levies that are not subject to the \$5.90 statutory aggregate dollar rate limit, and to provide information on the rule to reference when calculating the state school levy.

Statutory Authority for Adoption: RCW 84.52.0502 and 84.55.060.

Statute Being Implemented: RCW 84.04.120, 84.52.010, 84.52.043, 84.52.065, 84.52.125, and 84.52.816.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Department of revenue, governmental.

Name of Agency Personnel Responsible for Drafting: Leslie Mullin, 6400 Linderson Way S.W., Tumwater, WA, 360-534-1589; Implementation and Enforcement: Randy Simmons, 6400 Linderson Way S.W., Tumwater, WA, 360-534-1605.

This notice meets the following criteria to use the expedited adoption process for these rules:

Adopts or incorporates by reference without material change federal statutes or regulations, Washington state statutes, rules of other Washington state agencies, shoreline master programs other than those programs governing shorelines of statewide significance, or, as referenced by Washington state law, national consensus codes that generally establish industry standards, if the material adopted or incorporated regulates the same subject matter and conduct as the adopting or incorporating rule.

Explanation of the Reason the Agency Believes the Expedited Rule-Making Process is Appropriate: The expedited rule-making process is applicable to these rule updates

because the department is incorporating changes resulting from 2015 and 2017 legislation.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Leslie Mullin, Department of Revenue, P.O. Box 47453, Olympia, WA 98504-7453, phone 360-534-1589, fax 360-534-1606, email LeslieMu@dor.wa.gov, AND RECEIVED BY July 2, 2018.

April 25, 2018

Erin T. Lopez

Rules Coordinator

AMENDATORY SECTION (Amending WSR 15-03-087, filed 1/21/15, effective 2/21/15)

WAC 458-19-005 Definitions. (1) **Introduction.** This rule contains definitions of the terms used throughout chapters 84.52 and 84.55 RCW and chapter 458-19 WAC in the administration of the system used to levy property taxes on taxable property within the state of Washington.

(2) Unless the context clearly requires otherwise, the following definitions apply:

(a) "Annexation" means one taxing district is adding territory or another dissimilar taxing district from outside the annexing taxing district's boundary and includes a merger of a portion of a fire protection district under chapter 52.06 RCW with another fire protection district.

(b) "Assessed value" means the value of taxable property placed on the assessment rolls. The term is often abbreviated with the initials "A.V."

(c) "Certified property tax levy rate" means the tax rate calculated by the county assessor in accordance with law to produce the lawful amount of the certified property tax levy.

(d) "Consolidated levy rate" means:

(i) For purposes of the statutory aggregate dollar rate levy limit, the sum of all regular levy rates set for collection exclusive of rates set for the state levy, port, public utility districts, financing affordable housing for very low-income households under RCW 84.52.105, acquiring conservation futures under RCW 84.34.230, criminal justice purposes under RCW 84.52.135, emergency medical care or emergency medical services under RCW 84.52.069, county ferry districts under RCW 36.54.130, the portions of the fire protection and regional fire protection service authority levies protected under RCW 84.52.125, the portion of metropolitan park district levies protected under RCW 84.52.120, transit-related purposes under RCW 84.52.140, ~~((and))~~ the protected portion of the levies imposed under RCW ~~((86.15.160))~~ 84.52.816 by flood control zone districts ~~((in a county with a population of seven hundred seventy-five thousand or more~~

~~that are coextensive with a county)), and levies imposed by a regional transit authority under RCW 81.104.175; and~~

(ii) For purposes of the constitutional one percent limit, the sum of all regular levy rates set for collection exclusive of rates set for port and public utility districts.

(e) "Consolidation" means the act of combining two or more similar taxing districts into one taxing district; for example, the combination of two fire protection districts into one fire protection district.

(f) "Constitutional one percent limit" means the levy limit established by Article VII, section 2 of the state Constitution, which prohibits the aggregate of all tax levies on real and personal property from exceeding one percent (\$10 per \$1,000) of the true and fair value of property. This limit does not apply to excess levies, levies by port districts, and levies by public utility districts. This limit is also set forth in RCW 84.52.050.

(g) "Department" means the department of revenue of the state of Washington.

(h) "Excess property tax levy" or "excess levy" means a voter-approved property tax levy by or for a taxing district, other than a port or public utility district, that is subject to neither the statutory aggregate dollar rate limit set forth in RCW 84.52.043 nor the constitutional one percent limit set forth in Article VII, section 2 of the state Constitution and in RCW 84.52.050. It does not include regular levies allowed to exceed the levy limit with voter approval.

(i) "Improvement" means any valuable change in or addition to real property, including the subdivision or segregation of parcels of real property or the merger of parcels of real property.

(j) "Inflation" means the percentage change in the implicit price deflator for personal consumption expenditures for the United States as published for the most recent twelve-month period by the Bureau of Economic Analysis of the Federal Department of Commerce by September 25th of the year before the taxes are payable; see RCW 84.55.005.

(k) "Joint taxing district" means a taxing district that exists in two or more counties; the term does not include the state nor does it include an intercounty rural library district.

(l) "Junior taxing district" means a taxing district other than the state, a county, a county road district, a city, a town, a port district, or a public utility district.

(m) "Levy limit" means:

(i) The statutorily established limit that prohibits a taxing district, other than the state, from levying regular property taxes for a particular year that exceed the limit factor multiplied by the highest amount of regular property taxes that could have been lawfully levied in the taxing district in any year since 1985, plus an additional dollar amount calculated by multiplying the regular property tax levy rate of that district for the preceding year, or the last year the taxing district levied taxes, by the increase in assessed value in the taxing district resulting from:

(A) New construction;

(B) Improvements to property;

(C) Increases in the assessed value of state assessed property; and

(D) Increases in assessed value due to the construction of wind turbine, solar, biomass, and geothermal facilities, if

such facilities generate electricity and the property is not included elsewhere under chapter 84.55 RCW for purposes of providing an additional dollar amount. The property may be classified as real or personal property.

(ii) For purposes of the levy limit, the phrase "highest amount of regular property taxes that could have been lawfully levied" means the maximum amount that could have been levied by a taxing district under the limitation set forth in chapter 84.55 RCW unless the highest amount that could have been levied was actually restricted by the taxing district's statutory dollar rate limit. If the taxing district's levy was restricted by the statutory dollar rate limit, the highest amount that could have been lawfully levied is the amount produced by multiplying the assessed value of the taxing district by the statutory dollar rate.

(iii) For purposes of the levy limit, the regular property tax levy rate of the district for the preceding year, or the last year the taxing district levied taxes, may reflect a reduced rate due to the \$5.90 statutory aggregate limitation and/or the constitutional one percent limitation, if prorating occurred in the district.

The regular property tax levy rate of the district for the preceding year may also reflect a levy error or a levy error correction. If this occurs, the rate used will be the rate had the levy error or levy error correction not occurred. RCW 84.52.-085.

(iv) The levy limit for the state is the ~~((limit factor multiplied by the highest amount of regular property taxes lawfully levied in the three most recent years, plus an additional dollar amount calculated by multiplying the state levy rate for the preceding year by the increase in assessed value in the state resulting from:~~

~~(A) New construction;~~

~~(B) Improvements to property;~~

~~(C) Increases in the assessed value of state assessed property; and~~

~~(D) Increases in assessed value due to the construction of wind turbine, solar, biomass, and geothermal facilities, if such facilities generate electricity and the property is not included elsewhere under chapter 84.55 RCW for purposes of providing an additional dollar amount. The property may be classified as real or personal property)) amount calculated under WAC 458-19-550.~~

(n) "Levy rate" means the dollar amount per thousand dollars of assessed value applied to taxable property within a taxing district and is calculated by dividing the total amount of a statutorily authorized levy of a taxing district by the total assessed value of that district and is expressed in dollars and cents per thousand dollars of assessed value.

(o) "Limit factor" means:

(i) For taxing districts with a population of less than ten thousand in the calendar year immediately prior to the assessment year, one hundred one percent;

(ii) For taxing districts, other than the state, having made a finding of substantial need in accordance with RCW 84.55.-0101, the lesser of the substantial need factor or one hundred one percent; ~~((or))~~

(iii) For all other taxing districts, ~~((including))~~ excluding the state, the lesser of one hundred one percent or one hundred percent plus inflation; or

(iv) For the state, the limits described in WAC 458-19-550.

(p) "New construction" means the construction or alteration of any property for which a building permit was issued, or should have been issued, under chapter 19.27, 19.27A, or 19.28 RCW or other laws providing for building permits, which results in an increase in the value of the property.

(q) "Regular property tax levy" or "regular levy" means a property tax levy by or for a taxing district that is subject to the statutory aggregate dollar rate limit set forth in RCW 84.52.043, the constitutional one percent limit set forth in RCW 84.52.050, or is a levy imposed by or for a port district or a public utility district.

(r) "Regular property taxes" means those taxes resulting from regular property tax levies.

(s) "Senior taxing district" means the state (for support of common schools), a county, a county road district, a city, or a town.

(t) "Statutory aggregate dollar rate limit" or "statutory aggregate limit" means the maximum aggregate regular property tax levy rate within a county established by law for senior and junior taxing districts, other than the state. The current limit is \$5.90 per \$1,000 of assessed valuation. See RCW 84.52.043 and WAC 458-19-070.

(u) "Substantial need limit factor" means a limit factor approved by a taxing district's legislative authority that exceeds one hundred percent plus inflation. This limit cannot exceed one hundred one percent.

(v) "Statutory dollar rate limit" means the maximum regular property tax levy rate established by law for a particular type of taxing district.

(w) "Super majority" means a majority of at least three-fifths of the registered voters of a taxing district approving a proposition authorizing a levy, at which election the number of persons voting "yes" on the proposition constitutes three-fifths of a number equal to forty percent of the total votes cast in the taxing district in the last preceding general election; or by a majority of at least three-fifths of the registered voters of the taxing district voting on the proposition when the number of registered voters voting on the proposition exceeds forty percent of the total votes cast in the taxing district in the last preceding general election.

(x) "Tax code area" means a geographical area made up of one or more taxing districts, which is established for the purpose of properly calculating, collecting, and distributing taxes. Only one tax code area will have the same combination of taxing districts, with limited exceptions.

(y) "Taxing district" means the state and any county, city, town, port district, school district, road district, metropolitan park district, regional transit authority, water-sewer district, or other municipal corporation, having the power or legal authority to impose burdens upon property within the district on an ad valorem basis, for the purpose of obtaining revenue for public purposes, as distinguished from municipal corporations authorized to impose burdens, or for which burdens may be imposed for public purposes, on property in proportion to the increase in benefits received.

AMENDATORY SECTION (Amending WSR 02-24-015, filed 11/25/02, effective 12/26/02)

WAC 458-19-010 Levy limit and levy rate calculations. (1) **Introduction.** This rule explains two of the basic steps in the levy setting process. First, who determines the levy limit for all taxing districts and second, who calculates the levy rate for the various taxing districts.

(2) **Who determines the levy limit?** The assessor generally determines the levy limit for all taxing districts levying regular property taxes. However, the levy limit for joint taxing districts, intercounty rural library districts, and the state is determined as follows:

(a) Joint taxing districts. The levy limit for joint taxing districts is determined by the assessor of the county in which the greatest amount of assessed value of the joint taxing district is located;

(b) Intercounty rural library districts. The levy limit for intercounty rural library districts is determined by the board of trustees of the intercounty rural library district in consultation with the assessors of the counties served by the district; and

(c) State levy. The levy limit for the state is determined by the department. Additional information regarding the levy limit for the state can be found in WAC 458-19-550.

(3) **Who sets levy rates?** The assessor generally calculates the property tax levy rate necessary to collect the amount of taxes levied by or for each taxing district, including the state, within the limitations provided by law. However, the levy rate for joint taxing districts and intercounty rural library districts is calculated as follows:

(a) Joint taxing districts. The assessor of the county in which the greatest amount of assessed value of the joint taxing district is located calculates the levy rate; and

(b) Intercounty rural library districts. The board of trustees of an intercounty rural library district calculates the levy rate for the intercounty rural library district in consultation with the assessors of the counties served by the district and certifies that rate to the respective county legislative authorities.

AMENDATORY SECTION (Amending WSR 15-03-087, filed 1/21/15, effective 2/21/15)

WAC 458-19-020 Levy limit—Method of calculation. (1) **Introduction.** This rule explains the general method used to calculate the levy limit for ~~((the state and all other))~~ regular property tax levies for taxing districts, other than the state, in accordance with RCW ~~((84.55.010,))~~ 84.55.092~~((;))~~ and 84.55.120. Except for the state levy, the same method is generally used to calculate the amount of regular property taxes that can be levied by a taxing district in any year. This rule also describes what occurs when a taxing district makes a finding of substantial need in accordance with RCW 84.55-0101 to use a limit factor in excess of one hundred percent plus inflation. This rule does not attempt to include all special circumstances ~~((that)),~~ such as the reduction in the levy limit for cities and towns that form a fire protection district under RCW 52.02.160, which may affect the applicable limit under chapter 84.55 RCW.

(2) **Increase in tax revenues - Ordinance or resolution required.** The following describes the ordinance or resolution required by taxing districts when requesting increases in tax revenues.

(a) Except by holding a public hearing and adopting an ordinance or resolution, no taxing district, other than the state, may authorize an increase in property tax revenue, other than one resulting from an increase in assessed value of the district attributable to:

- (i) New construction;
- (ii) Improvements to property;
- (iii) Increases in the assessed value of state assessed property; and
- (iv) Increases in assessed value due to the construction of wind turbine, solar, biomass, and geothermal facilities, if such facilities generate electricity and the property is not included elsewhere under chapter 84.55 RCW for purposes of providing an additional dollar amount. The property may be classified as real or personal property.

(b) The ordinance or resolution may cover a period of up to two years, but the ordinance or resolution must specifically state for each year the dollar increase and percentage change in the levy from the previous year. The dollar increase and percentage change should reflect everything included in the levy limit and should not reflect anything excluded under chapter 84.55 RCW (such as, but not limited to, a levy for property tax refunds paid under the provisions of chapter 84.68 or 84.69 RCW).

(c) A majority of the legislative authority of a taxing district must approve the ordinance or resolution authorizing an increase in the taxing district's levy as calculated in subsection (3) of this rule.

(d) Upon making a finding of substantial need to increase its levy by an amount greater than the rate of inflation, the legislative authority of a taxing district may adopt a second ordinance or resolution establishing a limit factor greater than one hundred percent plus inflation. But the substantial need limit factor can never exceed one hundred one percent.

(i) In districts with legislative authorities of four members or less, two-thirds of the members must approve an ordinance or resolution supporting a substantial need to increase the limit factor.

(ii) In districts with more than four members, a majority plus one must approve an ordinance or resolution supporting a substantial need to increase the limit factor.

(3) **Calculation of levy limit for all taxing districts other than the state.** The amount of regular property taxes that can be levied by a taxing district, other than the state, in any year is limited to an amount that will not exceed the amount resulting from the following calculation, except as otherwise provided by statute:

(a) The highest amount that could have been lawfully levied by the taxing district in any year since 1985 for 1986 collection, multiplied by the limit factor; plus

(b) A dollar amount calculated by multiplying the regular property tax levy rate of the district for the preceding year, or the last year the taxing district levied taxes, by the increase in assessed value of the district resulting from:

- (i) New construction;

- (ii) Improvements to property;

- (iii) Increases in the assessed value of state assessed property; and

- (iv) Increases in assessed value due to the construction of wind turbine, solar, biomass, and geothermal facilities, if such facilities generate electricity and the property is not included elsewhere under chapter 84.55 RCW for purposes of providing an additional dollar amount. The property may be classified as real or personal property.

(4) **Calculation of levy limit for the state levy.** The levy limit for the state is calculated (~~in the same manner as for other taxing districts except that the limit factor is multiplied by the highest amount that was lawfully levied by the state in the three most recent years in which such taxes were levied~~) according to WAC 458-19-550.

WSR 18-10-078

EXPEDITED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed May 1, 2018, 9:57 a.m.]

Title of Rule and Other Identifying Information: The department is repealing WAC 388-14A-4600 through 388-14A-4620, which authorize the division of child support (DCS) most wanted web site. DCS is repealing these rules because DCS has stopped using that web site as a tool to locate parents. The individual rules to be repealed include WAC 388-14A-4600 What is the division of child support's DCS most wanted internet site?, 388-14A-4605 Whose picture can go on the division of child support's DCS most wanted internet site?, 388-14A-4610 How does a noncustodial parent avoid being posted on the DCS most wanted internet site?, 388-14A-4615 When does DCS remove a noncustodial parent from the DCS most wanted internet site?, and 388-14A-4620 What information does the division of child support post to the DCS most wanted internet site?

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: DCS no longer uses the DCS most wanted web site. DCS is using the expedited rule-making process authorized under RCW 34.05.353 (2)(c) because the rules are no longer necessary due to this change of circumstances.

Reasons Supporting Proposal: DCS no longer uses the DCS most wanted web site.

Statutory Authority for Adoption: RCW 74.08.090.

Statute Being Implemented: Not applicable.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Department of social and health services (DSHS), governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Nancy Koptur, DCS Headquarters, P.O. Box 9162, Olympia, WA 98507, 360-664-5065.

This notice meets the following criteria to use the expedited repeal process for these rules:

The rule is no longer necessary because of changed circumstances.

Explanation of the Reason the Agency Believes the Expedited Rule-Making Process is Appropriate: Because DCS is no longer maintaining or using the DCS most wanted web site, there is no need to have rules in chapter 388-14A WAC authorizing DCS to maintain or use that web site.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO DSHS Rules Coordinator, P.O. Box 45850, Olympia, WA 98504-5850, phone 360-664-6097, fax 360-664-6185, DSHSRPAURulesCoordinator@dshs.wa.gov, AND RECEIVED BY July 2, 2018.

April 25, 2018
Katherine I. Vasquez
Rules Coordinator

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 388-14A-4600 What is the division of child support's DCS most wanted internet site?
- WAC 388-14A-4605 Whose picture can go on the division of child support's DCS most wanted internet site?
- WAC 388-14A-4610 How does a noncustodial parent avoid being posted on the DCS most wanted internet site?
- WAC 388-14A-4615 When does DCS remove a noncustodial parent from the DCS most wanted internet site?
- WAC 388-14A-4620 What information does the division of child support post to the DCS most wanted internet site?

WSR 18-10-093
EXPEDITED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed May 1, 2018, 4:29 p.m.]

Title of Rule and Other Identifying Information: The department is proposing to repeal chapter 388-877B WAC, substance use disorder, detoxification services.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The legislature passed 2ESHB 1388, transferring portions of the responsibility for behavioral health to the department of health and portions to the health care authority effective July 1, 2018. The rules in these chapters will be rewritten under the department of health and the health care authority, therefore no longer needed by the department of social and health services (DSHS).

Reasons Supporting Proposal: The authority and responsibility for the subjects covered in this chapter is transferring to the department of health. The department inadvertently missed repealing all of this chapter when promulgating rules under WSR 18-06-043.

Statutory Authority for Adoption: RCW 71.05.560, 71.24.035, and 71.34.380.

Statute Being Implemented: Chapter 201, Laws of 2018.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: DSHS, governmental.

Name of Agency Personnel Responsible for Drafting: Katherine Vasquez, P.O. Box 45850, Olympia, WA 98504-5850, 360-664-6097; Implementation and Enforcement: Dennis Malmer, P.O. Box 45330, Olympia, WA 98501-5330, 360-725-3747.

This notice meets the following criteria to use the expedited repeal process for these rules:

The statute on which the rule is based has been repealed and has not been replaced by another statute providing statutory authority for the rule.

The rule is no longer necessary because of changed circumstances.

Other rules of the agency or of another agency govern the same activity as the rule, making the rule redundant.

Explanation of the Reason the Agency Believes the Expedited Rule-Making Process is Appropriate: The legislature passed 2ESHB 1388 transferring portions of the responsibility and authority to the department of health and portions to the health care authority.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO DSHS Rules Coordinator, P.O. Box 45850, Olympia, WA 98504-5850, phone 360-664-6097, fax 360-664-6185, email DSHSRPAURulesCoordinator@dshs.wa.gov, AND RECEIVED BY July 2, 2018.

May 1, 2018
Katherine I. Vasquez
Rules Coordinator

REPEALER

The following chapter of the Washington Administrative Code is repealed effective July 1, 2018:

Chapter 388-877B WAC Substance use disorder services.

WSR 18-10-100
EXPEDITED RULES
STATE BOARD OF EDUCATION

[Filed May 2, 2018, 9:12 a.m.]

Title of Rule and Other Identifying Information: To implement provisions of HB [SHB] 2824 (Laws of 2018) that have an effective date ninety days after sine die of the 2018 legislature, the state board of education is amending WAC 180-18-100 and repealing chapter 180-22 WAC.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: To implement provisions of HB [SHB] 2824 (Laws of 2018) that have an effective date ninety days after sine die of the 2018 legislature, the state board of education is:

- Amending WAC 180-18-100 to transfer responsibility for processing applications for district waiver of career and technical education course equivalencies from state board of education to office of superintendent of public instruction.
- Repealing chapter 180-22 WAC to eliminate the role of the state board of education in establishing educational service district boundaries.

Reasons Supporting Proposal: HB [SHB] 2824 requires that changes be made to the identified rules, effective ninety days after sine die of the 2018 legislature.

Statutory Authority for Adoption: The authority for amendment of WAC 180-18-100 is RCW 28A.230.010. The authority for repeal of chapter 180-22 WAC is RCW 28A.310.020.

Statute Being Implemented: These amendments and repeal implement changes to RCW 28A.230.010 and 28A.310.020 as a result of HB [SHB] 2824 (Laws of 2018).

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Washington state board of education, governmental.

Name of Agency Personnel Responsible for Drafting: Parker Teed, Old Capitol, 600 Washington S.E., Olympia, WA 98501, 360-725-6047; Implementation and Enforcement: Randy Spaulding, Old Capitol, 600 Washington S.E., Olympia, WA 98501, 360-725-6024.

This notice meets the following criteria to use the expedited adoption process for these rules:

Adopts or incorporates by reference without material change federal statutes or regulations, Washington state statutes, rules of other Washington state agencies, shoreline master programs other than those programs governing shorelines of statewide significance, or, as referenced by Washington state law, national consensus codes that generally establish

industry standards, if the material adopted or incorporated regulates the same subject matter and conduct as the adopting or incorporating rule.

Content is explicitly and specifically dictated by statute.

This notice meets the following criteria to use the expedited repeal process for these rules:

The statute on which the rule is based has been repealed and has not been replaced by another statute providing statutory authority for the rule.

Explanation of the Reason the Agency Believes the Expedited Rule-Making Process is Appropriate: To implement provisions of HB [SHB] 2824 (Laws of 2018) that have an effective date ninety days after sine die of the 2018 legislature.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Parker Teed, Washington State Board of Education, 600 Washington Street S.E., P.O. Box 47206, Olympia, WA 98504, phone 360-725-6025, fax 360-586-2357, email parker.teed@k12.wa.us, AND RECEIVED BY July 3, 2018.

April 9, 2018
Mr. Randy Spaulding
Executive Director

AMENDATORY SECTION (Amending WSR 14-19-032, filed 9/8/14, effective 10/9/14)

WAC 180-18-100 District waiver from requirement for student access to career and technical education course equivalencies. (1) Any school district reporting, in any school year, an October P223 headcount of fewer than two thousand students as of January of that school year may apply to the ((state board of education)) superintendent of public instruction for a waiver of up to two years from the provisions of RCW 28A.230.010(2) for the subsequent school year.

(2) In any application for a waiver under this section, the district shall demonstrate that students enrolled in the district do not have and cannot be provided reasonable access, through high schools, interdistrict cooperatives, skill centers or branch or satellite skill centers, or through online learning or applicable running start vocational courses, to at least one career and technical education course that is considered equivalent to a mathematics course or at least one career and technical education course that is considered equivalent to a science course as determined by the superintendent of public instruction ((and the state board of education)) under RCW 28A.700.070.

(3) On a determination, in consultation with the office of the superintendent of public instruction, that the students

enrolled in the district do not and cannot be provided reasonable access to at least one career and technical education course that is considered equivalent to a mathematics course or at least one career and technical education course that is considered equivalent to a science course under subsection (2) of this section, the ~~((state board of education))~~ superintendent of public instruction shall grant the waiver for the term of years requested.

(4) The ~~((state board of education))~~ office of superintendent of public instruction shall post on its web site an application form for use by a district in applying for a waiver under this section. A completed application must be signed by the chair or president of the district's board of directors and superintendent.

(5) In order to provide sufficient notice to students, parents, and staff, the application must be submitted to the ~~((state board of education))~~ superintendent of public instruction in electronic form no later than January 15th of the school year prior to the school year for which the waiver is requested ~~((and no later than thirty days before the board meeting at which the application will be considered))~~. The ~~((board))~~ office of superintendent of public instruction shall post all applications received on its public web site.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- WAC 180-22-100 Purpose and authority.
- WAC 180-22-140 Territorial organization of educational service districts.
- WAC 180-22-150 Educational service districts—Criteria for organization.

WSR 18-10-112
EXPEDITED RULES
HEALTH CARE AUTHORITY

[Filed May 2, 2018, 11:32 a.m.]

Title of Rule and Other Identifying Information: WAC 182-512-0785 SSI-related medical—Effect of a sponsor's income.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Correct a typographical error.

Reasons Supporting Proposal: The agency is revising this rule to correct a typographical error in a WAC reference. WAC 182-512-0785 (1)(d) references WAC 182-512-0190. This WAC does not exist. It should refer to WAC 182-512-0790.

Statutory Authority for Adoption: RCW 41.05.021, 41.05.160.

Statute Being Implemented: RCW 41.05.021, 41.05.160.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Health care authority (HCA), governmental.

Name of Agency Personnel Responsible for Drafting: Katie Pounds, P.O. Box 42716, Olympia, WA 98504-2716, 360-725-1346; Implementation and Enforcement: Stephen Kozak, P.O. Box 45534, Olympia, WA 98504-5534, 360-725-1343.

This notice meets the following criteria to use the expedited adoption process for these rules:

Corrects typographical errors, make address or name changes, or clarify language of a rule without changing its effect.

Explanation of the Reason the Agency Believes the Expedited Rule-Making Process is Appropriate: Corrects typographical error.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Wendy Barcus, Rules Coordinator, HCA, P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-1306, fax 360-586-9727, email arc@hca.wa.gov, AND RECEIVED BY July 3, 2018.

May 2, 2018
Wendy Barcus
Rules Coordinator

AMENDATORY SECTION (Amending WSR 14-07-059, filed 3/14/14, effective 4/14/14)

WAC 182-512-0785 SSI-related medical—Effect of a sponsor's income. (1) The following definitions apply to this section:

(a) **"Sponsor"** means a person who agreed to meet the needs of a sponsored immigrant by signing a United States Citizenship and Immigration Services Affidavit of Support form I-864 or I-864A. This includes a sponsor's spouse if the spouse signed the affidavit of support.

(b) **"Sponsored immigrant"** means a person who must have a sponsor under the Immigration and Nationality Act (INA) to be admitted into the United States for residence.

(c) **"Deeming"** means the agency counts a part of the sponsor's income and resources as available to the sponsored immigrant.

(d) **"Exempt"** means the person meets one of the conditions of WAC ~~((182-512-0190))~~ 182-512-0790.

(2) If the person is a sponsored immigrant and is not exempt from deeming, the person must provide the following information to be eligible for Washington apple health (WAH) SSI-related coverage even if the person is not receiving support from their sponsor:

- (a) The name and address of the sponsor;
- (b) The income and resources of the sponsor; and

(c) Any additional information needed for the agency to determine if:

(i) Income must be deemed to the person's medical assistance unit (MAU); and

(ii) The amount of income that must be deemed to the MAU.

(3) If the person is not eligible for coverage because the agency does not have the information needed regarding the sponsor, eligibility for other unsponsored household members applying for coverage is not delayed. Although the sponsored immigrant may not be eligible for coverage, the following is counted when determining the eligibility of other household members:

(a) All earned or unearned income of the sponsored immigrant that is not excluded under chapter 182-512 WAC; and

(b) All deductions the sponsored immigrant would be eligible for under chapter 182-512 WAC.

(4) If the person refuses to provide the agency with the information needed regarding the sponsor, the other adult members in the MAU must provide the information. If the same person sponsored everyone in the MAU, the entire MAU is not eligible for WAH coverage until someone provides the information that is needed.

WSR 18-10-114
EXPEDITED RULES
GAMBLING COMMISSION

[Filed May 2, 2018, 11:52 a.m.]

Title of Rule and Other Identifying Information: WAC 230-10-330 Recordkeeping requirements for bingo licensees with gross gambling receipts less than one hundred fifty thousand dollars in their previous license year, agricultural fairs, and other organizations.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposal is to fix an inadvertent error in a rule that was previously passed in our fee simplification rules package #2.

Reasons Supporting Proposal: This is a fix to an inadvertent error made in fee simplification package #2. This clarifies recordkeeping requirements for bingo licensees with gross gambling receipts over one hundred fifty thousand dollars in a previous license year.

Statutory Authority for Adoption: RCW 9.46.070.

Statute Being Implemented: RCW 9.46.070.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Washington state gambling commission, governmental.

Name of Agency Personnel Responsible for Drafting and Enforcement: Tina Griffin, Assistant Director, 4565 7th Avenue S.E., Lacey, WA 98503, 360-486-3546; and Implementation: David Trujillo, Director, 4565 7th Avenue S.E., Lacey, WA 98503, 360-486-3512.

This notice meets the following criteria to use the expedited adoption process for these rules:

Have been the subject of negotiated rule making, pilot rule making, or some other process that involved

substantial participation by interested parties before the development of the proposed rule.

Explanation of the Reason the Agency Believes the Expedited Rule-Making Process is Appropriate: This rule was amended as part of the agency's fee simplification process, including negotiated rule making where licensees and stakeholders were substantially involved prior to the passage of all fee simplification rule changes, including this rule that was in package #2. This is not a substantive change to the rule and solely fixes an inadvertent error in the rule when the commission passed package #2.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Brian Considine, Legal and Legislative [Manager], Washington State Gambling Commission, 4565 7th Avenue S.E., Lacey, WA 98503, phone 360-486-3469, fax 360-486-3630, email rules.coordinator@wsgc.wa.gov, AND RECEIVED BY July 2, 2018.

May 2, 2018
Brian J. Considine
Legal and Legislative Manager

AMENDATORY SECTION (Amending WSR 18-05-029, filed 2/9/18, effective 7/1/18)

WAC 230-10-330 Recordkeeping requirements for bingo licensees with gross gambling receipts less than one hundred fifty thousand dollars in their previous license year, agricultural fairs, and other organizations. Licensees must immediately account for all income from bingo games. Bingo licensees with gross gambling receipts less than one hundred fifty thousand dollars in their previous license year, organizations conducting bingo under the provisions of RCW 9.46.0321, and bingo activities conducted at a qualified agricultural fair must follow the recordkeeping requirements in WAC 230-07-125 or any of the receipting methods for bingo income required for ~~((Class D or above licensees))~~ bingo licensees with gross gambling receipts over one hundred fifty thousand dollars in their previous license year.