



PROPOSED RULE MAKING

CR-102 (July 2022) (Implements RCW 34.05.320)

Do NOT use for expedited rule making

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STATE OF WASHINGTON
FILED

DATE: August 03, 2022

TIME: 7:29 AM

WSR 22-16-109

Agency: Department of Enterprise Services

Original Notice

Supplemental Notice to WSR _____

Continuance of WSR _____

Preproposal Statement of Inquiry was filed as WSR 22-08-086 ; 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) 200-100 WAC Self Insurance Transactions as to Local Governments

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
September 6, 2022	2:00 PM	Virtual public hearing via ZOOM	Join Zoom Meeting online: https://des-wa.zoom.us/j/99668881760?pwd=RTRTdTIYNUUp1MUZBbFZ3S3BOa1BNZz09 Or Call in. Dial by your location 877 853 5247 US Toll-free 888 788 0099 US Toll-free Meeting ID: 996 6888 1760 Password: 870039

Date of intended adoption: September 16, 2022 (Note: This is NOT the effective date)

Submit written comments to:

Name: Jack Zeigler

Address:

Email:

Fax:

Other: Online at <https://des.wa.gov/about/policies-laws-rules/rulemaking> Local government self-insurance health and welfare program rules

By (date) September 9, 2022

Assistance for persons with disabilities:

Contact Jack Zeigler

Phone:

Fax:

TTY:

Email:

Other:

By (date) September 1, 2022

Purpose of the proposal and its anticipated effects, including any changes in existing rules: This proposal aligns the rules with statutory changes, including but not limited to allowing the State Board of Pilotage Commissioners to participate in a local government self-insurance program covering liability risks. Other content changes align the rules with recent changes to other self-insurance rules addressing purchasing requirements and independent audit requirements

Reasons supporting proposal: The Office of Risk Management is the regulator for local government risk pools. In 2019, the legislature passed HB 1431 Concerning joint self-insurance programs for property and liability. This bill amends state law under RCW 48.62 to allow the State Board of Pilotage Commissioners (the Board), a Washington State agency, to participate in a local government joint self-insurance program covering liability risks. Previously, no state agency was allowed to join a local government self-insurance pool.

During review of the current rules, it became clear that other language may need to be amended to align with the statute to accommodate a state agency such as the Board. Some language applicable to local government members of a self-insurance pool does not necessarily apply to the Board.

Statutory authority for adoption: RCW 48.62.061 Rule making by state risk manager - Standards

Statute being implemented: RCW 48.62

Is rule necessary because of a:

- Federal Law? Yes No
Federal Court Decision? Yes No
State Court Decision? Yes No

If yes, CITATION:

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

Type of proponent: Private Public Governmental

Name of proponent: (person or organization) Department of Enterprise Services

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting:	Shannon Stuber	1500 Jefferson, Olympia, WA	360-407-8153
Implementation:	Shannon Stuber	1500 Jefferson, Olympia, WA	360-407-8153
Enforcement:	Jason Siems	1500 Jefferson, Olympia, WA	360-742-6348

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: This proposed change only relates to internal governmental operations that are not subject to violation by a nongovernment party

Regulatory Fairness Act and Small Business Economic Impact Statement

Note: The [Governor's Office for Regulatory Innovation and Assistance \(ORIA\)](#) provides support in completing this part.

(1) Identification of exemptions:

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see [chapter 19.85 RCW](#)). For additional information on exemptions, consult the [exemption guide published by ORIA](#). 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:

- | | |
|--|--|
| <input checked="" type="checkbox"/> RCW 34.05.310 (4)(b)
(Internal government operations) | <input type="checkbox"/> RCW 34.05.310 (4)(e)
(Dictated by statute) |
| <input type="checkbox"/> RCW 34.05.310 (4)(c)
(Incorporation by reference) | <input type="checkbox"/> RCW 34.05.310 (4)(f)
(Set or adjust fees) |
| <input checked="" type="checkbox"/> RCW 34.05.310 (4)(d)
(Correct or clarify language) | <input type="checkbox"/> 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 19.85.025\(4\)](#) (does not affect small businesses).

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

Explanation of how the above exemption(s) applies to the proposed rule:

(2) Scope of exemptions: *Check one.*

The rule proposal is fully exempt (*skip section 3*). Exemptions identified above apply to all portions of the rule proposal.

The rule proposal is partially exempt (*complete section 3*). The exemptions identified above apply to portions of the rule proposal, but less than the entire rule proposal. Provide details here (consider using [this template from ORIA](#)):

The rule proposal is not exempt (*complete section 3*). No exemptions were identified above.

(3) Small business economic impact statement: *Complete this section if any portion is not exempt.*

If any portion of 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 minor cost analysis and how the agency determined the proposed rule did not impose more-than-minor costs. _____

Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses and a small business economic impact statement is required. Insert the required small business economic impact 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: August 3, 2022

Name: Jack Zeigler

Title: Policy and Rules Manager

Signature:

