



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: January 21, 2020

TIME: 2:52 PM

WSR 20-03-163

Agency: Office of Administrative Hearings

Original Notice

Supplemental Notice to WSR 19-21-148

Continuance of WSR _____

Preproposal Statement of Inquiry was filed as WSR 19-12-047 ; 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 10-08-110 Adjudicative Proceedings – Filing and Service of Papers.

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
February 27, 2020	2:00pm – 3:00pm	2420 Bristol Ct SW, Olympia, WA 98502 – Large Hearing Room	

Date of intended adoption: February 27, 2020 (Note: This is **NOT** the **effective** date)

Submit written comments to:

Name: Donald Capp, Deputy Chief ALJ
Address: PO Box 42488, Olympia, WA 98504
Email: rulemaking@oah.wa.gov
Fax: 360-664-8721
Other:
By (date) February 26, 2020

Assistance for persons with disabilities:

Contact Johnette Sullivan, Assistant Chief ALJ and ADA Coordinator
Phone: 360-407-2700
Fax: 360-664-8721
TTY:
Email: Johnette.sullivan@oah.wa.gov
Other:
By (date) February 25, 2020

Purpose of the proposal and its anticipated effects, including any changes in existing rules: WAC 10-08-110 is being updated to allow for electronic filing of appeal records on existing cases with OAH. The proposed amendment is intended to implement provisions of the State Administrative Procedures Act, Chapter 34.05 RCW, relating to electronic service of notices and orders in administrative adjudications, specifically RCW 34.05.010(19), RCW 34.05.434(5), and RCW 34.05.461(8)(a).

Reasons supporting proposal:

Statutory authority for adoption: RCW 34.12.080

Statute being implemented: RCW 34.12

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:

Name of proponent: (person or organization) Office of Administrative Hearings Private
 Public
 Governmental

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting:	Donald Capp	2420 Bristol Ct SW, Olympia, WA 98502	360-407-2700
Implementation:	Donald Capp	2420 Bristol Ct SW, Olympia, WA 98502	360-407-2700
Enforcement:	Donald Capp	2420 Bristol Ct SW, Olympia, WA 98502	360-407-2700

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 rule does not involve rules of any of the agencies identified in RCW 34.05.328(5) for which a cost-benefit analysis is required.

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:

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. This proposed rulemaking does not result in any economic impact on small business or fiscal impact on school districts.

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: January 21, 2020

Name: Lorraine Lee

Title: Chief Administrative Law Judge

Signature:

