



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: February 01, 2024
TIME: 10:15 AM

WSR 24-04-063

Agency: Employment Security Department

- Original Notice
- Supplemental Notice to WSR _____
- Continuance of WSR _____

- Preproposal Statement of Inquiry was filed as WSR _____ ; or
- Expedited Rule Making--Proposed notice was filed as WSR 23-23-080; 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: WAC 192-220-070 Overpayments under RCW 50.12.070(2)(c).

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
April 12, 2024	9:00 a.m.	Zoom Meeting ID: 830 2415 1163 Passcode: 693100 Call in: +12532158782,,83024151163#,,, ,*693100# US (Tacoma) +12532050468,,83024151163#,,, ,*693100# US	Join Zoom meeting: https://esd-wa.gov.zoom.us/j/83024151163?pwd=U3VkQmJNbk1ZdEdBMVk4SXIUOTBMDz09

Date of intended adoption: May 7, 2024. _ (Note: This is NOT the effective date)

Submit written comments to:

Name: Lawrence Larson
 Address: P.O. Box 9046, Olympia, WA 98507-9046
 Email: rules@esd.wa.gov
 Fax: 844-652-7096
 Other:
 By : April 12, 2024

Assistance for persons with disabilities:

Contact Teresa Eckstein
 Phone: 360-507-9890
 Fax: 360-586-4600
 TTY: Relay 711
 Email: Teresa.eckstein@esd.wa.ov
 Other:
 By: April 5, 2024

Purpose of the proposal and its anticipated effects, including any changes in existing rules:

The purpose of this proposal is to amend WAC 192-220-070 to amend a cross-reference to RCW 50.12.070(2)(c). In 2013, the Legislature amended RCW 50.12.070, and subsection (2)(c) was removed from the statute. The substance of RCW 50.12.070(2)(c) was moved to subsection (2)(b). Thus, the cross-reference in WAC 192-220-070 should be updated to reference RCW 50.12.070(2)(b).

Reasons supporting proposal: The proposal is needed to update WAC 192-220-070 so that it references the correct subsection in RCW 50.12.070.

Statutory authority for adoption: RCW 50.12.010; RCW 50.12.040; RCW 50.12.070.

Statute being implemented: RCW 50.12.070.

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: None.

Type of proponent: Private Public Governmental

Name of proponent: Employment Security Department.

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting:	Lawrence Larson	Olympia, WA	360-890-3460

Implementation:	J.R. Richards	Olympia, WA	360-463-1079
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Enforcement:	J.R. Richards	Olympia, WA	360-463-1079
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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: As this rulemaking only corrects an outdated cross reference no cost – benefit analysis is needed.

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 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 The rulemaking corrects an outdated cross-reference and does not impose any costs to small businesses.
- 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:

Signature:



Date: 02/01/2024

Name: Joy Adams

Title: Employment System Policy Director