

Washington Administrative Code Notice of Permanent Rules for Significant Decisions – Chapter 308-104 WAC

Adoption of: New section in Chapter 308-104 WAC

Effective date: These rule changes will become effective 31 days after filing (approximately July 1, 2017).

What are the agency's reasons for adopting this rule:

This rulemaking adds a new section to chapter 308-104 WAC to provide a process for nominating, selecting and indexing hearing examiners' decisions that are significant and resolve a question about reoccurring legal issues or statutes under the department's authority. A significant decision will give guidance to the attorneys and the public on the way in which the department has interpreted the law and exercised its discretion.

Summary of all public comments received on this rule proposal and the agency's response to those comments:

The Department did not receive any formal written or oral comments after the submission of the CR 102. However, the department did receive feedback early on in the rulemaking process after filing the preproposal for inquiry. The following stakeholders submitting feedback:

- Phillipson& Lundin, PLLC – Trials and Appeals
- The Bianchi Law Firm
- WA Association of Criminal Defense Lawyers

The department reviewed the feedback and amended the language accordingly before filing the CR 102. There were no further comments and these stakeholders did not submit additional comments nor attend the hearing.

Changes made to the proposed WAC as a result of public comment:

List or explain any changes made as a result of the public comments. If there were no such changes made, use the following statement:

There are no differences between the text of the proposed rule as published in the register and the text of the rule as adopted.

The Administrative Procedure Act (RCW 34.05.325(6)) requires agencies to complete a concise explanatory statement before filing adopted rules with the Office of the Code Reviser. This statement must be provided to anyone who gave comment about the proposed rulemaking.

The Department of Licensing appreciates your involvement in this rulemaking process. If you have any questions, please contact Damon Monroe, Agency Rules Coordinator, at 360-902-3843 or email dmonroe@dol.wa.gov.