



# EXPEDITED RULE MAKING

## CR-105 (December 2017) (Implements RCW 34.05.353)

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STATE OF WASHINGTON  
FILED

DATE: April 30, 2019

TIME: 12:55 PM

WSR 19-10-065

**Agency:** Department of Revenue

**Title of rule and other identifying information:** (describe subject) WAC 458-20-236 titled, Baseball clubs and other sport organizations is a rule that addresses the taxability of income received by sporting organizations for sponsoring games.

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** The Department of Revenue intends to repeal WAC 458-20-236 because there is no longer a statutory authority for the rule.

**Reasons supporting proposal:** In 2010, the Legislature amended RCW 82.04.460 and enacted RCW 82.04.462 which resulted in a change to the apportionment method used by businesses engaged in apportionable activities and have nexus in Washington. As a result of these statutory changes, WAC 458-20-236 is no longer accurate or necessary.

**Statutory authority for adoption:** N/A

**Statute being implemented:** RCW 82.04.460; RCW 82.04.462

**Is rule necessary because of a:**

- |                         |                              |  |
|-------------------------|------------------------------|--|
| Federal Law?            | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Federal Court Decision? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| State Court Decision?   | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

If yes, CITATION:

**Name of proponent:** (person or organization) Department of Revenue

- Private  
 Public  
 Governmental

**Name of agency personnel responsible for:**

	Name	Office Location	Phone
Drafting:	Leslie Mullin	6400 Linderson Way SW, Tumwater, WA	(360) 534-1589
Implementation:	Randy Simmons	6400 Linderson Way SW, Tumwater, WA	(360) 534-1605
Enforcement:	Randy Simmons	6400 Linderson Way SW, Tumwater, WA	(360) 534-1605

**Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:** None

**Expedited Adoption - Which of the following criteria was used by the agency to file this notice:**

- Relates only to internal governmental operations that are not subject to violation by a person;
- 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;
- Corrects typographical errors, make address or name changes, or clarify language of a rule without changing its effect;
- Content is explicitly and specifically dictated by statute;
- 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; or
- Is being amended after a review under RCW 34.05.328.

**Expedited Repeal - Which of the following criteria was used by the agency to file notice:**

- 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 statute on which the rule is based has been declared unconstitutional by a court with jurisdiction, there is a final judgment, and no statute has been enacted to replace the unconstitutional statute;
- The rule is no longer necessary because of changed circumstances; or
- 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 pursuant to RCW 34.05.353(4):** WAC 458-20-236 is being repealed because the statute on which the rule is based was amended in 2010 and a new statute was enacted that same year, so the information in the rule is no longer accurate or necessary.

**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**

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**AND RECEIVED BY** (date) July 1, 2019

**Date:** April 30, 2019

**Name:** Kevin Dixon

**Title:** Program Manager

**Signature:**



REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 458-20-236            Baseball clubs and other sport organizations.

DRAFT