



EXPEDITED RULE MAKING

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

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STATE OF WASHINGTON
FILED

DATE: August 03, 2022

TIME: 11:00 AM

WSR 22-16-117

Agency: Department of Financial Institutions, Securities Division

Title of rule and other identifying information: (describe subject) WAC 460-33A - Regulations Concerning Securities Involving Mortgages, Trust Deeds or Property Sales Contracts

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The Securities Division proposes to repeal the entirety of WAC 460-33A, which creates an optional method of registration for mortgage paper securities. The last issuer to register an offering of mortgage paper securities under these rules was in 2012. Changes in federal law over the past ten years, including the Jumpstart Our Business Startups (JOBS) Act of 2012, have diminished the usefulness of the rules contained in WAC 460-33A..

Reasons supporting proposal: Repealing WAC 460-33A will remove an outdated section of the regulations that are administered by the Securities Division. This will streamline the regulations it administers and allow the regulations to reflect modern practice.

Statutory authority for adoption: RCW 21.20.450

Statute being implemented: RCW 21.20

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 Financial Institutions, Securities Division

Private
 Public
 Governmental

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting:	Patrick Stickney	150 Israel Rd SW, Tumwater, WA 98501	(360) 902-8760
Implementation:	Faith Anderson	150 Israel Rd SW, Tumwater, WA 98501	360) 902-8760
Enforcement:	William Beatty	150 Israel Rd SW, Tumwater, WA 98501	360) 902-8760

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): RCW 34.05.353 states that an agency may file notice for the expedited repeal of a rule if "[t]he rule is no longer necessary because of changed circumstances." It has been more than 10 years since an issuer has applied to register an offering under WAC 460-33A, and federal regulatory changes have rendered the rule obsolete. These changed circumstances thus justify the expedited repeal of the rule..

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) October 3, 2022

Date: August 3, 2022

Name: Charles Clark

Title: Director

Signature:

