

2 **SHB 2498** - S COMM AMD  
3 By Committee on Ways & Means

4 ADOPTED 3/6/92

5 Strike everything after the enacting clause and insert the  
6 following:

7 "NEW SECTION. **Sec. 1.** A new section is added to chapter 19.85 RCW  
8 to read as follows:

9 When any rule is proposed for which a small business economic  
10 impact statement is required, the adopting agency shall provide notice  
11 to small businesses of the proposed rule through any of the following:

12 (1) Direct notification of known interested small businesses or  
13 trade organizations affected by the proposed rule; or

14 (2) Providing information of the proposed rule making to  
15 publications likely to be obtained by small businesses of the types  
16 affected by the proposed rule."

17 "NEW SECTION. **Sec. 2.** A new section is added to chapter 19.85 RCW  
18 to read as follows:

19 When feasible, the adopting agency may appoint a committee, as  
20 provided in RCW 34.05.310, to comment on the subject of the possible  
21 rule making before the publication of notice of proposed rule adoption  
22 under RCW 34.05.320."

23 "NEW SECTION. **Sec. 3.** A new section is added to chapter 34.05 RCW  
24 to read as follows:

1       The joint administrative rules review committee may review any rule  
2 to determine whether an agency complied with the regulatory fairness  
3 requirements of chapter 19.85 RCW."

4       "NEW SECTION. **Sec. 4.** A new section is added to chapter 34.05 RCW  
5 to read as follows:

6       The joint administrative rules review committee shall provide  
7 notice, conduct its hearings and reviews, and provide notice of  
8 committee objections to small business economic impact statements  
9 required under chapter 19.85 RCW in the same manner as is provided for  
10 notice, hearings, reviews, and objections to rules under this chapter."

11       "NEW SECTION. **Sec. 5.** A new section is added to chapter 43.17 RCW  
12 to read as follows:

13       The rules coordinator under RCW 34.05.310 shall be knowledgeable  
14 regarding the agency's rules that affect businesses. The rules  
15 coordinator shall provide a list of agency rules applicable at the time  
16 of the request to a specific class or line of business, which are  
17 limited to that specific class or line as opposed to generic rules  
18 applicable to most businesses, to the business assistance center when  
19 so requested by the business assistance center for the specific class  
20 or line of business."

21       "NEW SECTION. **Sec. 6.** The business assistance center shall  
22 conduct a study of how it can best serve as a clearinghouse to  
23 coordinate with state agencies in compiling and providing, on request,  
24 lists of state rules that apply to specific classes or lines of small  
25 businesses. The business assistance center shall report the findings  
26 of the study to the legislature before December 1, 1992."

1        "NEW SECTION.    **Sec. 7.**    A new section is added to chapter 43.31 RCW  
2 to read as follows:

3        The state shall not be financially liable for errors or omissions  
4 in providing any document required to be produced under section 6 of  
5 this act.  Compliance with rules identified under section 6 of this act  
6 does not excuse the business from requirements to comply with other  
7 applicable rules."

8        "**Sec. 8.**    RCW 19.85.030 and 1989 c 374 s 2 and 1989 c 175 s 72 are  
9 each reenacted and amended to read as follows:

10        In the adoption of any rule pursuant to RCW 34.05.320 that will  
11 have an economic impact on more than twenty percent of all industries,  
12 or more than ten percent of any one industry, the adopting agency:

13        (1) Shall reduce the economic impact of the rule on small business  
14 by doing one or more of the following when it is legal and feasible in  
15 meeting the stated objective of the statutes which are the basis of the  
16 proposed rule:

17        (a) Establish differing compliance or reporting requirements or  
18 timetables for small businesses;

19        (b) Clarify, consolidate, or simplify the compliance and reporting  
20 requirements under the rule for small businesses;

21        (c) Establish performance rather than design standards;

22        (d) Exempt small businesses from any or all requirements of the  
23 rule;

24        (2) Shall prepare a small business economic impact statement in  
25 accordance with RCW 19.85.040 and file such statement with the code  
26 reviser (~~(along with)~~) at least forty-five days prior to publication of  
27 the notice required under RCW 34.05.320 during which time the adopting  
28 agency shall solicit comments pursuant to RCW 34.05.310 and shall make

1 such modifications to the proposed rule as are feasible to minimize any  
2 identified economic impact;

3 (3) May request assistance from the business assistance center in  
4 the preparation of the small business economic impact statement."

5 "Sec. 9. RCW 34.05.320 and 1989 c 175 s 7 are each amended to read  
6 as follows:

7 (1) At least twenty days before the rule-making hearing at which  
8 the agency receives public comment regarding adoption of a rule, the  
9 agency shall cause notice of the hearing to be published in the state  
10 register. The publication constitutes the proposal of a rule. The  
11 notice shall include all of the following:

12 (a) A title, a description of the rule's purpose, and any other  
13 information which may be of assistance in identifying the rule or its  
14 purpose;

15 (b) Citations of the statutory authority for adopting the rule and  
16 the specific statute the rule is intended to implement;

17 (c) A summary of the rule and a statement of the reasons supporting  
18 the proposed action;

19 (d) The agency personnel, with their office location and telephone  
20 number, who are responsible for the drafting, implementation, and  
21 enforcement of the rule;

22 (e) The name of the person or organization, whether private,  
23 public, or governmental, proposing the rule;

24 (f) Agency comments or recommendations, if any, regarding statutory  
25 language, implementation, enforcement, and fiscal matters pertaining to  
26 the rule;

27 (g) Whether the rule is necessary as the result of federal law or  
28 federal or state court action, and if so, a copy of such law or court  
29 decision shall be attached to the purpose statement;

1 (h) When, where, and how persons may present their views on the  
2 proposed rule;

3 (i) The date on which the agency intends to adopt the rule;

4 (j) A short explanation of the rule, its purpose, and anticipated  
5 effects, including in the case of a proposal that would modify existing  
6 rules, a short description of the changes the proposal would make; and

7 (k) A copy of the small business economic impact statement, if  
8 applicable, and a statement of steps taken to minimize the economic  
9 impact in accordance with RCW 19.85.030.

10 (2) Upon filing notice of the proposed rule with the code reviser,  
11 the adopting agency shall have copies of the notice on file and  
12 available for public inspection and shall forward three copies of the  
13 notice to the rules review committee.

14 (3) No later than three days after its publication in the state  
15 register, the agency shall cause a copy of the notice of proposed rule  
16 adoption to be mailed to each person who has made a request to the  
17 agency for a mailed copy of such notices. An agency may charge for the  
18 actual cost of providing individual mailed copies of these notices.

19 (4) In addition to the notice required by subsections (1) and (2)  
20 of this section, an institution of higher education shall cause the  
21 notice to be published in the campus or standard newspaper of the  
22 institution at least seven days before the rule-making hearing."

23 "NEW SECTION. Sec. 10. If specific funding for the purposes of  
24 this act, referencing this act by bill number, is not provided by June  
25 30, 1992, in the omnibus appropriations act, this act is null and  
26 void."

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4 On page 1, line 1 of the title, after "fairness;" strike the  
5 remainder of the title and insert "amending RCW 34.05.320; reenacting  
6 and amending RCW 19.85.030; adding new sections to chapter 19.85 RCW;  
7 adding new sections to chapter 34.05 RCW; adding a new section to  
8 chapter 43.17 RCW; adding a new section to chapter 43.31 RCW; and  
9 creating new sections."