

HOUSE BILL REPORT

HB 1323

As Reported By House Committee On:

Government Reform & Land Use

Title: An act relating to the distribution of rules notices.

Brief Description: Allowing electronic distribution of rules notices.

Sponsors: Representatives D. Schmidt, Scott, Wensman, Morris, Costa and Dunn; by request of Department of Revenue.

Brief History:

Committee Activity:

Government Reform & Land Use: 2/3/97, 2/26/97 [DPS].

HOUSE COMMITTEE ON GOVERNMENT REFORM & LAND USE

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 11 members: Representatives Reams, Chairman; Cairnes, Vice Chairman; Sherstad, Vice Chairman; Romero, Ranking Minority Member; Lantz, Assistant Ranking Minority Member; Bush; Fisher; Gardner; Mielke; Mulliken and Thompson.

Staff: Joan Elgee (786-7135).

Background: The Administrative Procedure Act requires agencies to send interested parties various notices of rule making and other agency procedures.

An agency must solicit comments from the public on a subject of possible rule making by preparing a pre-proposal statement of inquiry.— The statement of inquiry identifies the statute authorizing the agency to adopt rules on the subject, discusses why rules may be needed, and specifies the process by which interested parties can participate in the process. An agency must file the statement of inquiry with the code reviser for publication in the register and must send it to any person who has requested a copy.

Interpretive and policy statements are documents informing persons of an agency's interpretation of a statute or current approach to implementing a statute. An agency must maintain a roster of persons who have requested to be notified of interpretive

and policy statements and must send copies to persons on the roster of any statements which have been issued.

Agencies must also send notice of proposed rules and proposals for the expedited repeal of rules to persons who request notice.

Summary of Substitute Bill: An agency which has the capacity to transmit by electronic mail or facsimile mail may ask persons who are on mailing lists or rosters for copies of statements of inquiry, interpretive statements, policy statements, and other similar notices whether they would like to receive the notices electronically.

Electronic distribution to persons who request it may substitute for mailed copies.

Agencies which maintain mailing lists or rosters for any notices relating to rule making or policy or interpretive statements may establish different rosters or lists by general subject area.

Substitute Bill Compared to Original Bill: The original bill allowed electronic distribution for some rule making notices but did not include all notices. The substitute bill allows electronic distribution of all notices, if requested by the recipient. The substitute also allows agencies to maintain rosters by subject area for any list or roster, not just policy and interpretive statement rosters. The emergency clause is removed.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date of Substitute Bill: Ninety days after adjournment of session in which bill is passed.

Testimony For: Electronic distribution will reduce printing and postage costs and allow agencies to deliver information in a more timely manner. It will also allow agencies to group subscribers to notices by interest area.

Testimony Against: None.

Testified: Claire Hesselholt, Department of Revenue (pro).