

SENATE BILL REPORT

SB 5766

As Reported By Senate Committee On:
Government Operations & Elections, February 18, 2003

Title: An act relating to providing businesses with notice of administrative rules.

Brief Description: Providing businesses with notice of certain administrative rules.

Sponsors: Senators Roach, Reardon, Kastama, Stevens, McCaslin, Esser, McAuliffe, Rasmussen and Hale.

Brief History:

Committee Activity: Government Operations & Elections: 2/14/03, 2/18/03 [DPS].

SENATE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

Majority Report: That Substitute Senate Bill No. 5766 be substituted therefor, and the substitute bill do pass.

Signed by Senators Roach, Chair; Stevens, Vice Chair; Kastama, McCaslin and Reardon.

Staff: Diane Smith (786-7410)

Background: The primary institutional means for providing notice to the public of agencies' rule-making activities is the Washington Administrative Code published by the Code Reviser in the Washington State Register. Persons interested in receiving copies of particular rule-making documents may request them from the relevant agency's rules coordinator. There are some sections of the Administrative Procedure Act that state that all persons who request a rule-making document from an agency shall be provided with one.

All rules proposed by an agency must either provide a Small Business Economic Impact Statement (SBEIS) or provide an explanation why the SBEIS was not prepared. The SBEIS process requires the agency to provide notice of a proposed rule to small business either by direct notification to known interested small businesses or trade organizations or by notification to relevant trade journals.

Summary of Substitute Bill: For some newly effective rules, the departments of Employment Security, Labor and Industries, Ecology and Natural Resources must notify businesses affected by the rule of the rule's requirements, how the business can appeal the rule and how to get help in complying with the rule. This requirement applies from before or up to 200 days after the rule's effective date and only applies to rules that impose additional requirements on businesses, the violation of which subjects a business to penalties or sanctions. The requirement does not apply to emergency rules. These agencies must develop a process to make this communication.

Substitute Bill Compared to Original Bill: The original bill was not considered.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: This substitute bill is targeted to a real need and is very manageable. The four agencies to which it applies can invite business to be placed on a notification list. It does not require notification to businesses in SIC codes that can cause confusion. Because it does not apply to a vast number of rules and agencies, the cost is greatly reduced.

Testimony Against: None.

Testified: Carol Jolly, Governor's Office (pro).