CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 2492

Chapter 210, Laws of 2012

62nd Legislature
2012 Regular Session

STATE BOARD OF EDUCATION--FISCAL IMPACT STATEMENTS

EFFECTIVE DATE: 06/07/12

 Passed by the House February 9, 2012
  Yeas 97  Nays 0

 FRANK CHOPP
 Speaker of the House of Representatives

 Passed by the Senate February 29, 2012
  Yeas 47  Nays 1

 BRAD OWEN
 President of the Senate

 Approved March 30, 2012, 11:21 a.m.

 I, Barbara Baker, Chief Clerk of
 the House of Representatives of
 the State of Washington, do hereby
 certify that the attached is
 SUBSTITUTE HOUSE BILL 2492 as
 passed by the House of
 Representatives and the Senate on
 the dates hereon set forth.

 BARBARA BAKER
 Chief Clerk

 FILED
 March 30, 2012

 CHRISTINE GREGOIRE
 Governor of the State of Washington

 Secretary of State
 State of Washington
AN ACT Relating to requiring the state board of education to provide fiscal impact statements before making rule changes; amending RCW 34.05.320; and adding a new section to chapter 28A.305 RCW.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. Sec. 1. A new section is added to chapter 28A.305 RCW to read as follows:

(1) The state board of education must provide a school district fiscal impact statement prepared by the office of the superintendent of public instruction with the published notice of a rule-making hearing required under RCW 34.05.320 on rules proposed by the board. At the rule-making hearing, the board must also hear a presentation from the office of the superintendent of public instruction and take public testimony on the fiscal impact statement. A copy of the fiscal impact statement must be forwarded to the education committees of the legislature.

(2) The office of the superintendent of public instruction must solicit fiscal impact estimates from a representative sample of school districts across the state when preparing a fiscal impact statement.

(3) This section does not apply to the following rules:
(a) Emergency rules adopted under RCW 34.05.350;
(b) Rules adopting or incorporating by reference without material change federal statutes or regulations, Washington state statutes, or rules of other Washington state agencies;
(c) Rules that adopt, amend, or repeal a procedure or practice related only to the operation of the state board of education and not to any external parties;
(d) Rules that only correct typographical errors, make address or name changes, or clarify language of a rule without changing its effect; or
(e) Rules the content of which is explicitly and specifically dictated by statute.

Sec. 2. RCW 34.05.320 and 2004 c 31 s 2 are each amended to read as follows:
(1) At least twenty days before the rule-making hearing at which the agency receives public comment regarding adoption of a rule, the agency shall cause notice of the hearing to be published in the state register. The publication constitutes the proposal of a rule. The notice shall include all of the following:
(a) A title, a description of the rule's purpose, and any other information which may be of assistance in identifying the rule or its purpose;
(b) Citations of the statutory authority for adopting the rule and the specific statute the rule is intended to implement;
(c) A short explanation of the rule, its purpose, and anticipated effects, including in the case of a proposal that would modify existing rules, a short description of the changes the proposal would make, and a statement of the reasons supporting the proposed action;
(d) The agency personnel, with their office location and telephone number, who are responsible for the drafting, implementation, and enforcement of the rule;
(e) The name of the person or organization, whether private, public, or governmental, proposing the rule;
(f) Agency comments or recommendations, if any, regarding statutory language, implementation, enforcement, and fiscal matters pertaining to the rule;
(g) Whether the rule is necessary as the result of federal law or
federal or state court action, and if so, a citation to such law or
court decision;

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

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

(j) A copy of the small business economic impact statement prepared
under chapter 19.85 RCW, or a copy of the school district fiscal impact
statement under section 1 of this act in the case of the state board of
education, or an explanation for why the agency did not prepare the
statement;

(k) A statement indicating whether RCW 34.05.328 applies to the
rule adoption; and

(l) If RCW 34.05.328 does apply, a statement indicating that a copy
of the preliminary cost-benefit analysis described in RCW
34.05.328(1)(c) is available.

(2)(a) Upon filing notice of the proposed rule with the code
reviser, the adopting agency shall have copies of the notice on file
and available for public inspection. Except as provided in (b) of this
subsection, the agency shall forward three copies of the notice to the
rules review committee.

(b) A pilot of at least ten agencies, including the departments of
labor and industries, fish and wildlife, revenue, ecology, retirement
systems, and health, shall file the copies required under this
subsection, as well as under RCW 34.05.350 and 34.05.353, with the
rules review committee electronically for a period of four years from
June 10, 2004. The office of regulatory assistance shall negotiate the
details of the pilot among the agencies, the legislature, and the code
reviser.

(3) No later than three days after its publication in the state
register, the agency shall cause either a copy of the notice of
proposed rule adoption, or a summary of the information contained on
the notice, to be mailed to each person, city, and county that has made
a request to the agency for a mailed copy of such notices. An agency
may charge for the actual cost of providing a requesting party mailed
copies of these notices.

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

Passed by the House February 9, 2012.
Passed by the Senate February 29, 2012.
Approved by the Governor March 30, 2012.
Filed in Office of Secretary of State March 30, 2012.