

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 2498

Chapter 197, Laws of 1992
(partial veto)

52nd Legislature
1992 Regular Session

REGULATORY FAIRNESS

EFFECTIVE DATE: 6/11/92

Passed by the House March 11, 1992
Yeas 96 Nays 0

JOE KING
**Speaker of the
House of Representatives**

Passed by the Senate March 10, 1990
Yeas 45 Nays 1

JOEL PRITCHARD
President of the Senate

Approved April 2, 1992, with the
exception of section 7, with is vetoed.

BOOTH GARDNER
Governor of the State of Washington

CERTIFICATE

I, Alan Thompson, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is SUBSTITUTE HOUSE BILL 2498 as passed by the House of Representatives and the Senate on the dates hereon set forth.

ALAN THOMPSON
Chief Clerk

FILED
April 2, 1992 - 11:33 a.m.

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 2498

AS AMENDED BY THE SENATE

Passed Legislature - 1992 Regular Session

State of Washington 52nd Legislature 1992 Regular Session

By House Committee on Appropriations (originally sponsored by Representatives Ludwig, Forner, Cantwell, Sheldon, Dellwo, Bray, Roland, Rasmussen, Moyer, Rayburn, Grant, H. Myers, Paris, Riley, Edmondson, Kremen, Ferguson, Winsley, Wineberry, Jones, Dorn, Franklin, Ebersole, Bowman, May, Heavey, Ogden, Cooper, Pruitt, O'Brien, Hine, Nelson and P. Johnson)

Read first time 02/11/92.

1 AN ACT Relating to regulatory fairness; amending RCW 34.05.320;
2 adding new sections to chapter 19.85 RCW; adding new sections to
3 chapter 34.05 RCW; adding a new section to chapter 43.17 RCW; adding a
4 new section to chapter 43.31 RCW; and creating new sections.

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

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

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

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

1 (2) Providing information of the proposed rule making to
2 publications likely to be obtained by small businesses of the types
3 affected by the proposed rule.

4 NEW SECTION. **Sec. 2.** A new section is added to chapter 19.85 RCW
5 to read as follows:

6 When feasible, the adopting agency may appoint a committee, as
7 provided in RCW 34.05.310, to comment on the subject of the possible
8 rule making before the publication of notice of proposed rule adoption
9 under RCW 34.05.320.

10 NEW SECTION. **Sec. 3.** A new section is added to chapter 34.05 RCW
11 to read as follows:

12 The joint administrative rules review committee may review any rule
13 to determine whether an agency complied with the regulatory fairness
14 requirements of chapter 19.85 RCW.

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

17 The joint administrative rules review committee shall provide
18 notice, conduct its hearings and reviews, and provide notice of
19 committee objections to small business economic impact statements
20 required under chapter 19.85 RCW in the same manner as is provided for
21 notice, hearings, reviews, and objections to rules under this chapter.

22 NEW SECTION. **Sec. 5.** A new section is added to chapter 43.17 RCW
23 to read as follows:

24 The rules coordinator under RCW 34.05.310 shall be knowledgeable
25 regarding the agency's rules that affect businesses. The rules
26 coordinator shall provide a list of agency rules applicable at the time

1 of the request to a specific class or line of business, which are
2 limited to that specific class or line as opposed to generic rules
3 applicable to most businesses, to the business assistance center when
4 so requested by the business assistance center for the specific class
5 or line of business.

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

12 **NEW SECTION. Sec. 7. A new section is added to chapter 43.31 RCW*
13 *to read as follows:*

14 *The state shall not be financially liable for errors or omissions*
15 *in providing any document required to be produced under section 6 of*
16 *this act. Compliance with rules identified under section 6 of this act*
17 *does not excuse the business from requirements to comply with other*
18 *applicable rules.*

19 **Sec. 7 was vetoed, see message at end of chapter.*

20 **Sec. 8.** RCW 34.05.320 and 1989 c 175 s 7 are each amended to read
21 as follows:

22 (1) At least twenty days before the rule-making hearing at which
23 the agency receives public comment regarding adoption of a rule, the
24 agency shall cause notice of the hearing to be published in the state
25 register. The publication constitutes the proposal of a rule. The
26 notice shall include all of the following:
27

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

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

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

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

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

13 (f) Agency comments or recommendations, if any, regarding statutory
14 language, implementation, enforcement, and fiscal matters pertaining to
15 the rule;

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

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

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

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

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

28 (2) Upon filing notice of the proposed rule with the code reviser,
29 the adopting agency shall have copies of the notice on file and

1 available for public inspection and shall forward three copies of the
2 notice to the rules review committee.

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

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

12 NEW SECTION. **Sec. 9.** If specific funding for the purpose of
13 section 6 of this act, referencing this act by bill and section number,
14 is not provided by June 30, 1992, in the omnibus appropriations act,
15 section 6 of this act shall be null and void.

Passed the House March 11, 1992.

Passed the Senate March 10, 1990.

Approved by the Governor April 2, 1992, with the exception of
certain items which were vetoed.

Filed in Office of Secretary of State April 2, 1992.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to section 7,
Substitute House Bill No. 2498 entitled:

"AN ACT Relating to regulatory fairness."

Substitute House Bill No. 2498 amends a number of statutes to
increase procedural protections for small business in the regulatory
process.

Section 7 has a drafting error. Section 7 is applicable only to
requirements included in an earlier draft. This faulty reference
renders the provision moot.

Because of this technical flaw, I have vetoed section 7 of this
bill.

With the exception of section 7, Substitute House Bill No. 2498 is
approved."