

2 **E2SHB 2510** - S AMD TO LAB COMM AMD - 000323

3 By Senator Ludwig

4 ADOPTED 3/2/94 - ROLL CALL VOTE 28-21

5 On page 2, after line 8, insert the following:

6 "Sec. 2. RCW 34.05.310 and 1993 c 202 s 2 are each amended to read  
7 as follows:

8 (1) To meet the intent of providing greater public access to  
9 administrative rule making and to promote consensus among interested  
10 parties, agencies (~~are encouraged to:~~

11 ~~(1))~~) shall solicit comments from the public on a subject of  
12 possible rule making before publication of a notice of proposed rule  
13 adoption under RCW 34.05.320. (~~This process can be accomplished by~~  
14 ~~having a notice published in the state register of the subject under~~  
15 ~~active consideration and indicating where, when, and how persons may~~  
16 ~~comment; and~~) The agency shall prepare a statement of intent that:

17 (a) States the specific statutory authority for the new rule;

18 (b) Identifies the reasons the new rule is needed;

19 (c) Identifies the goals of the new rule;

20 (d) Describes the process by which the rule will be developed,  
21 including, but not limited to, negotiated rule making, pilot rule  
22 making, or agency study; and

23 (e) Specifies the process by which interested parties can  
24 effectively participate in the formulation of the new rule.

25 The statement of intent shall be filed with the code reviser for  
26 publication in the state register and shall be sent to identifiable  
27 interested parties. Interested parties may include, but are not  
28 limited to, trade associations, interest groups, specific businesses,  
29 the business assistance center, chambers of commerce, local  
30 governments, labor organizations, environmental groups, consumer  
31 protection groups, citizen organizations, state agencies, and any other  
32 appropriate entity.

33 (2) Agencies are encouraged to develop and use new procedures for  
34 reaching agreement among interested parties before publication of  
35 notice and the adoption hearing on a proposed rule. Examples of new  
36 procedures include, but are not limited to:

1 (a) Negotiated rule making which includes:

2 (i) Identifying individuals and organizations that have a  
3 recognized interest in or will be significantly affected by the  
4 adoption of the proposed rule;

5 (~~(b)~~) (ii) Soliciting participation by persons who are capable,  
6 willing, and appropriately authorized to enter into such negotiations;

7 (~~(c)~~) (iii) Assuring that participants fully recognize the  
8 consequences of not participating in the process, are committed to  
9 negotiate in good faith, and recognize the alternatives available to  
10 other parties;

11 (~~(d)~~) (iv) Establishing guidelines to encourage consideration of  
12 all pertinent issues, to set reasonable completion deadlines, and to  
13 provide fair and objective settlement of disputes that may arise;

14 (~~(e)~~) (v) Agreeing on a reasonable time period during which the  
15 agency will be bound to the rule resulting from the negotiations  
16 without substantive amendment; and

17 (~~(f)~~) (vi) Providing a mechanism by which one or more parties may  
18 withdraw from the process or the negotiations may be terminated if it  
19 appears that consensus cannot be reached on a draft rule that  
20 accommodates the needs of the agency, interested parties, and the  
21 general public and conforms to the legislative intent of the statute  
22 that the rule is intended to implement; and

23 (b) Pilot rule making which includes testing the draft of a  
24 proposed rule through the use of volunteer pilot study groups in  
25 various areas and circumstances.

26 (3)(a) Agencies must make a determination whether negotiated rule  
27 making, pilot rule making, or another process for generating  
28 participation from interested parties prior to development of the rule  
29 is appropriate.

30 (b) Agencies must include a written justification in the rule-  
31 making file if an opportunity for interested parties to participate in  
32 the rule-making process prior to publication of the proposed rule has  
33 not been provided."

34 Renumber remaining sections

1 **ESHB 2676** - S AMD TO LAB COMM AMD

2 By Senator Ludwig

3 ADOPTED 3/2/94

4 On page 21, line 13 of the title amendment, after "RCW" insert

5 "34.05.310,"

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