

2 **SHB 2498** - S COMM AMD
3 By Committee on Commerce & Labor

4

5 Strike everything after the enacting clause and insert the
6 following:

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

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

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

14 (2) Providing information of the proposed rule making to
15 publications likely to be obtained by small businesses of the types
16 affected by the proposed rule."

17 "NEW SECTION. **Sec. 2.** A new section is added to chapter 19.85 RCW
18 to read as follows:

19 When feasible, the adopting agency may appoint a committee, as
20 provided in RCW 34.05.310, to comment on the subject of the possible
21 rule making before the publication of notice of proposed rule adoption
22 under RCW 34.05.320."

23 "NEW SECTION. **Sec. 3.** A new section is added to chapter 34.05 RCW
24 to read as follows:

1 The joint administrative rules review committee may review any rule
2 to determine whether an agency complied with the regulatory fairness
3 requirements of chapter 19.85 RCW."

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

6 The joint administrative rules review committee shall provide
7 notice, conduct its hearings and reviews, and provide notice of
8 committee objections to small business economic impact statements
9 required under chapter 19.85 RCW in the same manner as is provided for
10 notice, hearings, reviews, and objections to rules under this chapter."

11 "NEW SECTION. **Sec. 5.** A new section is added to chapter 43.17 RCW
12 to read as follows:

13 The rules coordinator under RCW 34.05.310 shall be knowledgeable
14 regarding the agency's rules that affect businesses. The rules
15 coordinator shall provide a list of agency rules applicable at the time
16 of the request to a specific class or line of business, which are
17 limited to that specific class or line as opposed to generic rules
18 applicable to most businesses, to the business assistance center when
19 so requested by the business assistance center for the specific class
20 or line of business."

21 "NEW SECTION. **Sec. 6.** A new section is added to chapter 43.31 RCW
22 to read as follows:

23 The business assistance center shall coordinate the provision of
24 better and more reliable information by state agencies regarding state
25 rules that affect specific classes or lines of businesses. When
26 requested, the business assistance center shall compile a list of state
27 rules applicable at the time of the request to a specific class or line

1 of business, which are limited to that specific class or line as
2 opposed to generic rules applicable to most businesses, by obtaining a
3 list from the rules coordinator for each applicable agency. The
4 business assistance center shall make every effort to include complete
5 and accurate information on the lists. Each list requested shall
6 include the statement: "The state shall not be financially liable for
7 errors or omissions in this document. Compliance with rules identified
8 in this document does not excuse the business from requirements to
9 comply with other applicable rules."

10 "NEW SECTION. **Sec. 7.** A new section is added to chapter 43.31 RCW
11 to read as follows:

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

17 **"Sec. 8.** RCW 19.85.030 and 1989 c 374 s 2 and 1989 c 175 s 72 are
18 each reenacted and amended to read as follows:

19 In the adoption of any rule pursuant to RCW 34.05.320 that will
20 have an economic impact on more than twenty percent of all industries,
21 or more than ten percent of any one industry, the adopting agency:

22 (1) Shall reduce the economic impact of the rule on small business
23 by doing one or more of the following when it is legal and feasible in
24 meeting the stated objective of the statutes which are the basis of the
25 proposed rule:

26 (a) Establish differing compliance or reporting requirements or
27 timetables for small businesses;

1 (b) Clarify, consolidate, or simplify the compliance and reporting
2 requirements under the rule for small businesses;

3 (c) Establish performance rather than design standards;

4 (d) Exempt small businesses from any or all requirements of the
5 rule;

6 (2) Shall prepare a small business economic impact statement in
7 accordance with RCW 19.85.040 and file such statement with the code
8 reviser (~~along with~~) at least forty-five days prior to publication of
9 the notice required under RCW 34.05.320 during which time the adopting
10 agency shall solicit comments pursuant to RCW 34.05.310 and shall make
11 such modifications to the proposed rule as are feasible to minimize any
12 identified economic impact;

13 (3) May request assistance from the business assistance center in
14 the preparation of the small business economic impact statement."

15 "Sec. 9. RCW 34.05.320 and 1989 c 175 s 7 are each amended to read
16 as follows:

17 (1) At least twenty days before the rule-making hearing at which
18 the agency receives public comment regarding adoption of a rule, the
19 agency shall cause notice of the hearing to be published in the state
20 register. The publication constitutes the proposal of a rule. The
21 notice shall include all of the following:

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

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

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

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

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

6 (f) Agency comments or recommendations, if any, regarding statutory
7 language, implementation, enforcement, and fiscal matters pertaining to
8 the rule;

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

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

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

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

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

21 (2) Upon filing notice of the proposed rule with the code reviser,
22 the adopting agency shall have copies of the notice on file and
23 available for public inspection and shall forward three copies of the
24 notice to the rules review committee.

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

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

5 **SHB 2498** - S COMM AMD
6 By Committee on Commerce & Labor

7

8 On page 1, line 1 of the title, after "fairness;" strike the
9 remainder of the title and insert "amending RCW 34.05.320; reenacting
10 and amending RCW 19.85.030; adding new sections to chapter 19.85 RCW;
11 adding new sections to chapter 34.05 RCW; adding a new section to
12 chapter 43.17 RCW; and adding new sections to chapter 43.31 RCW."