
SUBSTITUTE HOUSE BILL 2492

State of Washington 62nd Legislature 2012 Regular Session

By House Education Appropriations & Oversight (originally sponsored by Representatives Haigh, Dammeier, Maxwell, Dahlquist, Lias, Finn, and Santos)

READ FIRST TIME 02/06/12.

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

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

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

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

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

19 (3) This section does not apply to the following rules:

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

13 **Sec. 2.** RCW 34.05.320 and 2004 c 31 s 2 are each amended to read
14 as follows:

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

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

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

25 (c) A short explanation of the rule, its purpose, and anticipated
26 effects, including in the case of a proposal that would modify existing
27 rules, a short description of the changes the proposal would make, and
28 a statement of the reasons supporting the proposed action;

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

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

34 (f) Agency comments or recommendations, if any, regarding statutory
35 language, implementation, enforcement, and fiscal matters pertaining to
36 the rule;

1 (g) Whether the rule is necessary as the result of federal law or
2 federal or state court action, and if so, a citation to such law or
3 court decision;

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

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

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

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

14 (l) If RCW 34.05.328 does apply, a statement indicating that a copy
15 of the preliminary cost-benefit analysis described in RCW
16 34.05.328(1)(c) is available.

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

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

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

37 (4) In addition to the notice required by subsections (1) and (2)

1 of this section, an institution of higher education shall cause the
2 notice to be published in the campus or standard newspaper of the
3 institution at least seven days before the rule-making hearing.

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