
State Government Committee

ESSB 5766

Brief Description: Providing businesses with notice of certain administrative rules.

Sponsors: Senate Committee on Government Operations & Elections (originally sponsored by Senators Roach, Reardon, Kastama, Stevens, McCaslin, Esser, McAuliffe, Rasmussen and Hale).

Brief Summary of Engrossed Substitute Bill

- Providing businesses with notice of certain administrative rules.

Hearing Date: 3/20/03

Staff: Anne Warwick (786-7291).

Background:

The primary institutional means for providing notice to the public of the agencies' rulemaking activities is the Washington Administrative Code that is published by the Code Reviser in the Washington State Register. The Washington State Register is a biweekly publication distributed on the first and third Wednesday of each month. The Washington State Register website contains the state agencies' preproposals, notices of proposed rules, emergency and permanently adopted rules, public meetings, requests for public input, notices of rules review, executive orders of the Governor, court rules, summary of attorney general opinions, juvenile disposition standards, basic filing procedure, agency rulemaking activity, quarterly rulemaking report, state maximum interest rate, closing date calendar, preproposal calendar, and a list of designated rules coordinators. Persons interested in receiving only copies of rulemaking activity that is of interest to them may request them from the relevant agency's rules coordinator. There are some sections of the Administrative Procedure Act that state that all persons who request a rulemaking document from an agency shall be provided with one.

All rules proposed by an agency must either provide a Small Business Economic Impact Statement (SBEIS) or provide an explanation why the SBEIS was not prepared. The SBEIS process requires the agency to provide notice of a proposed rule to small businesses either by direct notification to known interested small businesses or trade organizations or by notification to relevant trade journals.

Summary of Bill:

For some newly effective rules, the departments of Employment Security, Labor and Industries, Ecology and Revenue must notify businesses affected by the rule of the rule's requirements, how the business can appeal the rule and how to get help complying with the rule. This requirement applies from before or up to 200 days after the rule's effective date and only applies to rules that impose additional requirements of businesses, the violation of which subjects a business to penalties or sanctions. This requirement does not apply to emergency rules. These agencies must develop a process to make this communication.

Appropriation: None.

Fiscal Note: Available for SHB 1310.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.