
HOUSE BILL 1587

State of Washington 65th Legislature 2017 Regular Session

By Representatives Shea, Taylor, McCaslin, Young, and Griffey

1 AN ACT Relating to improving public information concerning agency
2 rule-making activities; amending RCW 34.05.320; and adding a new
3 section to chapter 1.08 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 1.08 RCW
6 to read as follows:

7 The code reviser must, within existing resources, establish a
8 statewide rule-making information web site by December 31, 2018. The
9 web site must have a uniform resource locator (URL) internet address
10 of www.rulemaking.wa.gov, or other similar address. The web site must
11 include a searchable collection of all currently proposed agency
12 rules indexed by topic, keyword, and agency name. For each proposed
13 rule, the web site must contain the information required under RCW
14 34.05.320 and include:

15 (1) The time, date, and place of any scheduled public hearings on
16 the proposed rule and the dates of public comment periods;

17 (2) An electronic link to the section of the Washington State
18 Register containing the text of the proposed rule; and

19 (3) A link to a public comment form for the proposed rule which
20 may be completed online and sent electronically to the rules
21 coordinator for the agency proposing the rule or printed out and

1 mailed to the agency. The comment form must provide for the option
2 of, but not require, the person completing the form to include his or
3 her email address and mailing address.

4 **Sec. 2.** RCW 34.05.320 and 2012 c 210 s 2 are each amended to
5 read as follows:

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

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

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

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

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

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

25 (f) Agency comments or recommendations, if any, regarding
26 statutory language, implementation, enforcement, and fiscal matters
27 pertaining to the rule;

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

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

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

34 (j) A copy of the small business economic impact statement
35 prepared under chapter 19.85 RCW, or a copy of the school district
36 fiscal impact statement under RCW 28A.305.135 in the case of the
37 state board of education, or an explanation for why the agency did
38 not prepare the statement;

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

3 (1) If RCW 34.05.328 does apply, a statement indicating that a
4 copy of the preliminary cost-benefit analysis described in RCW
5 34.05.328(1)(c) is available.

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

11 (b) A pilot of at least ten agencies, including the departments
12 of labor and industries, fish and wildlife, revenue, ecology,
13 retirement systems, and health, shall file the copies required under
14 this subsection, as well as under RCW 34.05.350 and 34.05.353, with
15 the rules review committee electronically for a period of four years
16 from June 10, 2004. The office of regulatory assistance shall
17 negotiate the details of the pilot among the agencies, the
18 legislature, and the code reviser.

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

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

30 (5) Upon receipt of a public comment received through the state
31 rule-making web site established under section 1 of this act, an
32 agency must respond by email or letter to the person making the
33 comment if he or she provided an email or mailing address. The agency
34 response must:

35 (a) Be made using existing agency resources;

36 (b) Acknowledge receipt of the comment; and

37 (c) Provide the date, time, and place of the next scheduled
38 public hearing on the proposed rule, if such a hearing is scheduled.

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