Washington State
Liquor Control Board

Liquor Control Board Interim Policy #05 – 2009

Subject: Delegation of Authority on filing Pre-proposal Statement of Inquiry (CR 101)

Effective Date: July 1, 2009

Ending Date: Upon adoption of rules to implement this change in policy/procedure.

Approved:

Lorraine Lee, Chairman

Roger Hoen, Board Member

Ruthann Kurose, Board Member

Purpose:
The purpose in delegating authority from the Board to the Agency Rules Coordinator on pre-proposal statements of inquiry (CR 101) is to expedite the rulemaking process. The Board oversight would still apply during quarterly rulemaking updates. The agency rules coordinator updates would include any new filings (CR 101) that would be begun within the next quarter. At that time the Board could provide input on future filings. How the law applies to rulemaking is included below.

Background:
State law (RCW 66.08.030) governs the Board's authority to make rules consistent with the spirit of Title 66 RCW as are deemed necessary or advisable. All regulations shall be a public record and shall be filed with the Office of the Code Reviser, and thereupon shall have the same force and effect as if incorporated in Title 66 RCW.

State law (RCW 34.05.310) establishes requirements for agencies filing a pre-proposal statement of inquiry (CR 101), and states "To meet the intent of providing greater public access to administrative rule making and to promote consensus among interested parties, agencies shall solicit comments from the

public on a subject of possible rule making before filing with the code reviser a notice of proposed rule making under RCW 34.05.320. The agency shall prepare a statement of inquiry that:

(a) Identifies the specific statute or statutes authorizing the agency to adopt rules on this subject;

(b) Discusses why rules on this subject may be needed and what they might accomplish;

(c) Identifies other federal and state agencies that regulate this subject, and describes the process whereby the agency would coordinate the contemplated rule with these agencies;

(d) Discusses the process by which the rule might be developed, including, but not limited to, negotiated rule making, pilot rule making, or agency study;

(e) Specifies the process by which interested parties can effectively participate in the decision to adopt a new rule and formulation of a proposed rule before its publication.

The statement of inquiry shall be filed with the code reviser for publication in the state register at least thirty days before the date the agency files notice of proposed rule making under RCW 34.05.320 and the statement, or a summary of the information contained in that statement, shall be sent to any party that has requested receipt of the agency's statements of inquiry.

Policy Statement:

The Board hereby delegates authority to the Agency Rules Coordinator to approve filing of pre-proposal statements of inquiry (CR 101). The pre-proposal statement of inquiry is the initial step in the rulemaking process. The Board will continue to approve the filing of proposed rules (CR 102) and approve final rulemaking (CR 103).