

SENATE BILL REPORT

EHB 2500

As Reported By Senate Committee On:
State & Local Government, February 28, 2002

Title: An act relating to citizen petitions requesting the amendment or repeal of agency rules.

Brief Description: Improving notice to rule-making petitioners.

Sponsors: Representatives Hunt, Romero, Anderson and Miloscia.

Brief History:

Committee Activity: State & Local Government: 2/27/02, 2/28/02 [DP].

SENATE COMMITTEE ON STATE & LOCAL GOVERNMENT

Majority Report: Do pass.

Signed by Senators Gardner, Chair; Fairley, Vice Chair; Hale, Haugen, Horn, Keiser, Kline, McCaslin, Roach, T. Sheldon and Swecker.

Staff: Diane Smith (786-7326)

Background: Any person may petition a state agency requesting the adoption, amendment, or repeal of an administrative rule. Within 60 days, the agency must either:

- deny the petition in writing, stating (1) the reasons for the denial, specifically addressing the concerns raised by the petitioner; and (2) where appropriate, the alternative means by which the agency will address those concerns; or
- initiate rule-making proceedings.

If an agency denies a petition to amend or repeal a rule that was based on an allegation that the rule is not within the intent of the Legislature or was not adopted in accordance with all applicable provisions of law, the person may petition for review of the rule by the Joint Administrative Rules Review Committee. If an agency denies a petition to repeal or amend a rule, the person may appeal the denial to the Governor. The Governor may deny the appeal in writing, direct the agency to initiate rule-making proceedings, or recommend that the agency initiate rule-making proceedings.

Summary of Bill: An agency planning to consider at an open public meeting a citizen petition requesting the adoption, amendment, or repeal of an administrative rule must make a reasonable effort to provide the petitioner with notice of the time and location of the meeting at least 72 hours in advance. If an agency denies the petition in writing, it must address concerns raised by any relevant materials submitted with the petition, in addition to concerns raised by the petitioner.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: It is unfortunate that this bill is needed but recent instances show that it is needed. For those few instances where agencies do not include notice to the petitioner, this bill is important.

Testimony Against: None.

Testified: PRO: Mark Johnson, WFIB; Amber Balch, AWB.