

HOUSE BILL REPORT

EHB 2500

As Passed House:

February 19, 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: By Representatives Hunt, Romero, Anderson and Miloscia.

Brief History:

Committee Activity:

State Government: 2/1/02 [DP].

Floor Activity:

Passed House: 2/19/02, 97-0.

Brief Summary of Engrossed Bill

- An agency planning to consider a citizen rule-making petition at an open public meeting must make a reasonable effort to provide the petitioner with notice of the meeting at least 72 hours in advance.
- If an agency denies the petition, it must address the concerns raised by relevant materials submitted with the petition, in addition to concerns raised by the petitioner.

HOUSE COMMITTEE ON STATE GOVERNMENT

Majority Report: Do pass. Signed by 6 members: Representatives Romero, Chair; Miloscia, Vice Chair; McMorris, Ranking Minority Member; McDermott, Schmidt and Upthegrove.

Staff: Catherine Blinn (786-7114).

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 Engrossed 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: The bill increases communication between agencies and persons petitioning the agency to change a rule. The bill will provide greater fairness for citizens attempting to change an agency rule. A petition was filed with a specific agency requesting that a rule be changed. The agency did not notify the petitioner of the date of the public hearing. The overriding issue is fairness, and an agency should not hold a hearing on a petition without notifying the petitioner.

Testimony Against: None.

Testified: Representative Hunt, prime sponsor; and Rob Kavanaugh.