
SENATE BILL 6032

State of Washington

64th Legislature

2015 Regular Session

By Senator Miloscia

Read first time 02/18/15. Referred to Committee on Accountability & Reform.

1 AN ACT Relating to procedures for petitions for adoption,
2 amendment, or repeal of agency rules; and amending RCW 34.05.330.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 34.05.330 and 1998 c 280 s 5 are each amended to
5 read as follows:

6 (1) Any person may petition an agency requesting the adoption,
7 amendment, or repeal of any rule. The office of financial management
8 shall prescribe by rule the format for such petitions and the
9 procedure for their submission, consideration, and disposition and
10 provide a standard form that may be used to petition any agency.
11 Within sixty days after submission of a petition, the agency shall
12 either (a) deny the petition in writing, stating (i) its reasons for
13 the denial, specifically addressing the concerns raised by the
14 petitioner, and, where appropriate, (ii) the alternative means by
15 which it will address the concerns raised by the petitioner, or (b)
16 initiate rule-making proceedings in accordance with RCW 34.05.320.

17 (2) If an agency denies a petition under subsection (1) of this
18 section, the agency shall notify the petitioner in writing. The
19 written notice must identify the petition and the agency's reasons
20 for the denial, and must advise the petitioner of the right to
21 request a brief hearing for the purpose of testifying before the

1 agency to reconsider the denial. The notice must advise the
2 petitioner how he or she may exercise that right. The petitioner has
3 ten days from receipt of the notice of denial to request
4 reconsideration by the agency. The petitioner must submit the request
5 for reconsideration in writing in accordance with the agency
6 instructions for requesting reconsideration. The petitioner may
7 include written materials supporting reconsideration which must be
8 considered by the agency. Upon receipt of a timely request for
9 reconsideration, the agency shall grant a brief hearing at a date
10 agreed upon by the petitioner as soon as practicable. A timely
11 request for reconsideration tolls the time for filing an appeal under
12 subsection (4) of this section. The brief hearing shall be limited to
13 the purposes of the petition and the effect of the denial. Upon
14 completion of the brief hearing for reconsideration, the agency shall
15 either (a) deny the petition in writing, stating (i) its reasons for
16 the denial of reconsideration, specifically addressing the concerns
17 raised by the petitioner, and, where appropriate, (ii) the
18 alternative means by which it will address the concerns raised by the
19 petitioner, or (b) initiate rule-making proceedings in accordance
20 with RCW 34.05.320. A written denial of the request for
21 reconsideration is treated as a denial of the petition and may be
22 appealed as provided under subsection (4) of this section, provided
23 that the petitioner has an additional thirty days for appeal from the
24 date of the denial of reconsideration.

25 (3) If an agency denies a petition to repeal or amend a rule
26 submitted under subsection (1) of this section, and the petition
27 alleges that the rule is not within the intent of the legislature or
28 was not adopted in accordance with all applicable provisions of law,
29 the person may petition for review of the rule by the joint
30 administrative rules review committee under RCW 34.05.655.

31 ((+3)) (4) If an agency denies a petition to repeal or amend a
32 rule submitted under subsection (1) of this section, the petitioner,
33 within thirty days of the denial, may appeal the denial to the
34 governor. The governor shall immediately file notice of the appeal
35 with the code reviser for publication in the Washington state
36 register. Within forty-five days after receiving the appeal, the
37 governor shall either (a) deny the petition in writing, stating (i)
38 his or her reasons for the denial, specifically addressing the
39 concerns raised by the petitioner, and, (ii) where appropriate, the
40 alternative means by which he or she will address the concerns raised

1 by the petitioner; (b) for agencies listed in RCW 43.17.010, direct
2 the agency to initiate rule-making proceedings in accordance with
3 this chapter; or (c) for agencies not listed in RCW 43.17.010,
4 recommend that the agency initiate rule-making proceedings in
5 accordance with this chapter. The governor's response to the appeal
6 shall be published in the Washington state register and copies shall
7 be submitted to the chief clerk of the house of representatives and
8 the secretary of the senate.

9 ((+4)) (5) In petitioning for repeal or amendment of a rule
10 under this section, a person is encouraged to address, among other
11 concerns:

12 (a) Whether the rule is authorized;

13 (b) Whether the rule is needed;

14 (c) Whether the rule conflicts with or duplicates other federal,
15 state, or local laws;

16 (d) Whether alternatives to the rule exist that will serve the
17 same purpose at less cost;

18 (e) Whether the rule applies differently to public and private
19 entities;

20 (f) Whether the rule serves the purposes for which it was
21 adopted;

22 (g) Whether the costs imposed by the rule are unreasonable;

23 (h) Whether the rule is clearly and simply stated;

24 (i) Whether the rule is different than a federal law applicable
25 to the same activity or subject matter without adequate
26 justification; and

27 (j) Whether the rule was adopted according to all applicable
28 provisions of law.

29 ((+5)) (6) The department of ((community, trade, and economic
30 development)) commerce and the office of financial management shall
31 coordinate efforts among agencies to inform the public about the
32 existence of this rules review process.

33 ((+6)) (7) The office of financial management shall initiate the
34 rule making required by subsection (1) of this section by September
35 1, 1995.

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