Chapter 82-05 WAC

PETITION PROCESS FOR ADOPTION, REPEAL OR AMENDMENT OF AN AGENCY RULE

WAC 82-05-010 Purpose. This chapter describes the requirements and process for petitioning an agency to adopt, repeal, or amend a rule under RCW 34.05.330.

[Statutory Authority: 1995 c 403 § 703. WSR 96-03-048, § 82-05-010, filed 1/12/96, effective 2/12/96.]

WAC 82-05-020 What information must I include in a petition? (1) Every petition for adoption, repeal, or amendment of a rule must include the following:

(a) The name of the agency responsible for administering the rule, and

(b) The rationale for adoption of a new rule or amendment or repeal of an existing rule.

(c) In addition to any other concerns, you, the petitioner, are encouraged to address whether:

(i) The rule is authorized

(ii) The rule is needed

(iii) The rule conflicts with or duplicates other federal, state, or local laws

(iv) Alternatives to the rule exist that will serve the same purpose at less cost

(v) The rule applies differently to public and private entities

(vi) The rule serves the purposes for which it was adopted

(vii) The rule imposes unreasonable costs

(viii) The rule is clearly and simply stated, and

(ix) The rule differs, without adequate justification, from a federal law which applies to the same activity or subject matter.

(2)

When you are:	Petition should include:
Proposing a new rule	Text of proposed rule or description of its provisions
Requesting amendment of existing agency rule	Name, title, number of rule, and text or description of amendment
Requesting repeal of existing agency rule	Name, title, number of rule, and description of effects of repeal

The petition should contain sufficient information so that the agency and public can understand the proposal.

(3) You, the petitioner, can obtain a standard petition form from the office of financial management or any state agency involved in rule making. Agencies must accept petitions submitted using the standard form or in any other format that provides the information described in (1) or (2) of this section.

[Statutory Authority: 1995 c 403 § 703. WSR 96-03-048, § 82-05-020, filed 1/12/96, effective 2/12/96.]

WAC 82-05-030 How do I submit a petition? (1) Petitions for adoption, repeal, or amendment of a rule must be sent to the rules coordinator of the agency responsible for administration of the rule.

(2) Submission of a petition is defined as receipt of the petition by the administering agency.

[Statutory Authority: 1995 c 403 § 703. WSR 96-03-048, § 82-05-030, filed 1/12/96, effective 2/12/96.]

WAC 82-05-040 What happens after a petition is submitted? (1) Within a reasonable time, the administering agency will send you, the petitioner, acknowledgement of receipt of the petition, including the name and telephone number of a contact person.

(2) No later than sixty days after receipt of a petition, the agency must either

(a) Initiate rule-making proceedings in accordance with chapter 34.05 RCW, or

(b) Deny the petition in writing, stating its reasons for the denial and specifically addressing the concerns stated in the petition. Where appropriate, the agency must indicate alternative means by which the agency will address the concerns raised in the petition.

[Statutory Authority: 1995 c 403 § 703. WSR 96-03-048, § 82-05-040, filed 1/12/96, effective 2/12/96.]

WAC 82-05-050 How can I appeal agency denial of a petition? (1) Within thirty days of the denial, you, the petitioner, may appeal the denial to the governor.

(2) The governor will process the appeal according to RCW 34.05.330(3).

[Statutory Authority: RCW 34.05.330. WSR 02-02-037, § 82-05-050, filed 12/26/01, effective 1/26/02. Statutory Authority: 1995 c 403 § 703. WSR 96-03-048, § 82-05-050, filed 1/12/96, effective 2/12/96.]