

HOUSE BILL REPORT

HB 1475

As Passed House:

February 23, 2009

Title: An act relating to state agency rule-making information.

Brief Description: Requiring state agency rule-making information to be posted on each state agency's web site.

Sponsors: Representatives Orcutt, Probst, McCune, Eddy, Herrera, Johnson, Short and Kelley.

Brief History:

Committee Activity:

State Government & Tribal Affairs: 2/3/09, 2/10/09 [DP].

Floor Activity

Passed House: 2/23/09, 92-0.

Brief Summary of Bill

- Requires state agencies to maintain a website of agency rulemaking activity.

HOUSE COMMITTEE ON STATE GOVERNMENT & TRIBAL AFFAIRS

Majority Report: Do pass. Signed by 6 members: Representatives Hunt, Chair; Appleton, Vice Chair; Armstrong, Ranking Minority Member; Alexander, Hurst and Miloscia.

Staff: Marsha Reilly (786-7135)

Background:

The primary institutional means for providing notice to the public of agencies' rulemaking activities is the Washington Administrative Code that is published by the Code Reviser in the Washington State Register (Register). The Register is a biweekly publication distributed on the first and third Wednesday of each month. The Register website contains state agencies' pre-proposals, notices of proposed rules, emergency and permanently adopted rules, public meetings, requests for public input, notices of rules review, executive orders of the Governor, court rules, summary of attorney general opinions, juvenile disposition standards, basic filing

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procedure, agency rulemaking activity, quarterly rulemaking report, state maximum interest rate, closing date calendar, pre-proposal calendar, and a list of designated rules coordinators.

Summary of Bill:

State agencies must maintain a website containing the agency's rulemaking information, including the complete text of proposed rules, emergency rules, and permanent rules proposed or adopted within the past 12 months. A direct link to the rulemaking page must be displayed on the agency's homepage. An agency's rulemaking website may contain a direct link to the index page on the Register website that includes the agency's rulemaking activity.

The agency rulemaking website must include the time, date, and place for the required hearing of a proposed rule and procedures and timelines for submitting written comments and supporting data.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) The reason for the bill is because it is very difficult to find information about agency rulemaking on their websites. While many agencies have rulemaking information on their websites, there needs to be a direct link to it on the agency's homepage. There are a lot of rules being promulgated that the public doesn't know about. This will improve site navigation and transparency. Because agencies regularly change and update their websites, this can be done within existing revenue.

The Washington Realtors enthusiastically supports the bill. The regulatory agency that the Washington Realtors works with endeavors to provide as much outreach and information as possible affecting our licensees. This is a common sense measure from the standpoint of requiring rules that have been promulgated during the past 12 months to be readily available. Many of our business and professional organization's standards of practice are addressed by changes in rules.

The League of Women Voters (League) supports the bill. The first principle of the League is a belief that a democratic government depends upon an informed citizenry through adequate notice of rulemaking, public meetings, and open public records. It is surprising that legislation is required to make agencies provide rulemaking information on agency websites.

(Neutral) The Governor is neutral on the bill. It is a fine idea and the Governor will require agencies to accomplish what is in the bill. There are 29 cabinet level agencies and, of those, 19 have a link to their current rules. Information provided on those sites varies. Of those

agencies who do not provide a link to rulemaking, several haven't done any rulemaking for several years. Some agencies have rulemaking information on their website, but it is buried. Whether the bill moves forward or not, this is an issue that will be worked on.

(Opposed) None.

Persons Testifying: (In support) Representative Orcutt, prime sponsor; Bob Mitchell, Washington Realtors; and Barbara Bush, League of Women Voters of Washington.

(Neutral) Faith Lumsden, Office of Regulatory Assistance.

Persons Signed In To Testify But Not Testifying: None.