
ENGROSSED HOUSE BILL 2500

State of Washington 57th Legislature 2002 Regular Session

By Representatives Hunt, Romero, Anderson and Miloscia

Read first time 01/18/2002. Referred to Committee on State Government.

1 AN ACT Relating to citizen petitions requesting the amendment or
2 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 read
5 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 procedure
9 for their submission, consideration, and disposition and provide a
10 standard form that may be used to petition any agency. An agency
11 planning to consider a petition in an open public meeting shall make a
12 reasonable effort to provide the petitioner with at least seventy-two
13 hours' notice of the time and location of the meeting. Within sixty
14 days after submission of a petition, the agency shall either (a) deny
15 the petition in writing, stating (i) its reasons for the denial,
16 specifically addressing the concerns raised by the petitioner and by
17 any relevant materials that were submitted along with the petition,
18 and, where appropriate, (ii) the alternative means by which it will

1 address the concerns raised by the petitioner, or (b) initiate rule-
2 making proceedings in accordance with RCW 34.05.320.

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

9 (3) If an agency denies a petition to repeal or amend a rule
10 submitted under subsection (1) of this section, the petitioner, within
11 thirty days of the denial, may appeal the denial to the governor. The
12 governor shall immediately file notice of the appeal with the code
13 reviser for publication in the Washington state register. Within
14 forty-five days after receiving the appeal, the governor shall either
15 (a) deny the petition in writing, stating (i) his or her reasons for
16 the denial, specifically addressing the concerns raised by the
17 petitioner, and, (ii) where appropriate, the alternative means by which
18 he or she will address the concerns raised by the petitioner; (b) for
19 agencies listed in RCW 43.17.010, direct the agency to initiate rule-
20 making proceedings in accordance with this chapter; or (c) for agencies
21 not listed in RCW 43.17.010, recommend that the agency initiate rule-
22 making proceedings in accordance with this chapter. The governor's
23 response to the appeal shall be published in the Washington state
24 register and copies shall be submitted to the chief clerk of the house
25 of representatives and the secretary of the senate.

26 (4) In petitioning for repeal or amendment of a rule under this
27 section, a person is encouraged to address, among other concerns:

28 (a) Whether the rule is authorized;

29 (b) Whether the rule is needed;

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

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

34 (e) Whether the rule applies differently to public and private
35 entities;

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

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

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

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

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

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

9 (6) The office of financial management shall initiate the rule
10 making required by subsection (1) of this section by September 1, 1995.

--- END ---