
State Government Committee

HB 1307

Brief Description: Revising procedures in actions against agency rules.

Sponsors: Representatives Armstrong, Carrell, Nixon, Roach, Talcott, Bush, Crouse, Mielke, Woods and Anderson.

Brief Summary of Bill

- The burden of proof in demonstrating the invalidity of an agency action is no longer with the party asserting its invalidity, but rather is silent.
- Actions challenging the validity of a rule is not longer required to be filed only in Thurston County, but may also be filed in the county of the petitioner's residence or principal place of business, or in a county where property owned by the petitioner and affected by the contested rule is located.

Hearing Date: 3/3/03

Staff: Marsha Reilly (786-7135).

Background:

Judicial review of agency action is established under the Administrative Procedure Act. In such reviews, the burden of proof for demonstrating the invalidity of an agency action or the invalidity of a rule is on the party asserting its invalidity. In cases challenging the validity of an agency action, the courts determine each issue as separate and distinct, and grant relief only on a determination of substantial prejudice.

Actions involving agency rules may be reviewed by petition for declaratory judgment and in such actions, the agency is made a party to the proceeding. Declaratory judgment is addressed to the Superior Court of Thurston County when it appears that the rule or its threatened application, interferes with, impairs, or immediately threatens to interfere with or impair, the legal rights or privileges of the petitioner.

Summary of Bill:

The burden of proof in demonstrating the invalidity of an agency action is silent. Actions

alleging that an agency rule or its threatened application interferes with or impairs the legal rights or privileges of the petitioner may be addressed to Thurston County, the county of the petitioner's residence or principal place of business, or in a county where property owned by the petitioner and affected by the contested rule is located .

Appropriation: None.

Fiscal Note: Not Requested.

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