

# HOUSE BILL REPORT

## SHB 1552

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### As Passed Legislature

**Title:** An act relating to public access at open public meetings.

**Brief Description:** Regarding public comment at rule-making meetings. (REVISED FOR ENGROSSED: Regarding public comment at rule-making hearings.

**Sponsors:** House Committee on State Government & Tribal Affairs (originally sponsored by Representatives Kretz, Blake, Short, Nelson, Smith, Upthegrove and McCune).

#### **Brief History:**

##### **Committee Activity:**

State Government & Tribal Affairs: 2/20/09 [DPS].

##### **Floor Activity:**

Passed House: 3/4/09, 95-0.

Senate Amended.

Passed Senate: 4/9/09, 45-0.

House Concurred.

Passed House: 4/18/09, 97-0.

Passed Legislature.

#### **Brief Summary of Substitute Bill**

- Requires that all interested parties at an agency rule-making hearing be afforded the opportunity to comment individually and orally in the presence and hearing of all the other hearing attendees.

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### HOUSE COMMITTEE ON STATE GOVERNMENT & TRIBAL AFFAIRS

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 7 members: Representatives Hunt, Chair; Appleton, Vice Chair; Armstrong, Ranking Minority Member; Alexander, Flannigan, Hurst and Miloscia.

**Staff:** Tracey O'Brien (786-7196)

#### **Background:**

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

A rule or regulation is a written policy or procedure by a state agency that is generally applicable to a group of people, industries, activities, or circumstances. Rules are adopted by an agency through a process mandated by the Washington Administrative Procedures Act (APA). The APA sets out exactly what steps an agency must follow to adopt rules. When an agency believes it has developed a final rule proposal, it publishes a notice of proposed rule-making and schedules a public hearing. At the public hearing, interested parties can make comments about the proposal. Written comments can also be submitted.

**Summary of Substitute Bill:**

During a rule-making hearing, all interested parties shall have the opportunity to comment individually. All comments by all persons shall be done orally in the presence and hearing of all other hearing attendees. Written or electronic submission may be accepted and included in the record.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**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) Several agencies have been employing a method to get public input that might be technically correct, but does not provide a meaningful interaction for the public. In order to provide input on proposed rules, the public is being forced to use information booths and kiosks. This method does not allow for public testimony or question and answer periods. It also prevents the public from hearing other's comments. This is not a transparent and meaningful process. This bill seeks to accommodate public comment in a real way.

**Persons Testifying:** Representative Kretz, prime sponsor; and Paul Telford.

**Persons Signed In To Testify But Not Testifying:** None.