

# HOUSE BILL REPORT

## EHB 1400

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**As Passed House:**  
March 5, 2013

**Title:** An act relating to clarifying that service includes electronic distribution of hearing notices and orders in administrative proceedings.

**Brief Description:** Clarifying that service includes electronic distribution of hearing notices and orders in administrative proceedings.

**Sponsors:** Representatives Bergquist, Kochmar and Jinkins; by request of Office of Administrative Hearings.

**Brief History:**

**Committee Activity:**

Government Operations & Elections: 2/12/13, 2/19/13 [DP].

**Floor Activity:**

Passed House: 3/5/13, 96-0.

**Brief Summary of Engrossed Bill**

- Amends the Washington Administrative Procedure Act to provide that administrative hearing notices and orders may be served electronically upon the parties to administrative hearings.

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### HOUSE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

**Majority Report:** Do pass. Signed by 10 members: Representatives Hunt, Chair; Bergquist, Vice Chair; Buys, Ranking Minority Member; Alexander, Carlyle, Fitzgibbon, Kristiansen, Manweller, Orwall and Van De Wege.

**Minority Report:** Do not pass. Signed by 1 member: Representative Taylor, Assistant Ranking Minority Member.

**Staff:** Caitlin Forsyth (786-5793) and Marsha Reilly (786-7135).

**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.*

The Office of Administrative Hearings (OAH) is an independent state agency responsible for the review of the actions of other state agencies. Administrative hearings are conducted in accordance with statutory procedures outlined in the Washington Administrative Procedure Act (APA) and are generally less formal than court proceedings.

In 2012 the OAH received over 72,000 requests for administrative hearings from citizens of the State of Washington. For each hearing, the OAH must follow the APA procedures governing the service of administrative hearing notices and orders. In an administrative hearing notice, the OAH sets the time and place of the hearing and gives advance written notice of the hearing to all involved parties. An administrative hearing order explains the legal rights, duties, privileges, immunities, or other legal interests of a specific person or persons.

Currently under the APA, "service" means posting in the United States mail, properly addressed, postage prepaid, or personal service.

**Summary of Engrossed Bill:**

The APA is amended to provide that administrative hearing notices and orders may be served electronically upon the parties to administrative hearings if they agree to such.

**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) This bill is about efficiency. It provides an option, not a requirement, that a notice or order be sent electronically. This bill was prompted by a discussion with the state Chief Information Officer who visited the OAH this fall and encouraged the OAH to use technology to promote efficiency.

(Opposed) None.

**Persons Testifying:** Representative Bergquist, prime sponsor; and Lorraine Lee, Office of Administrative Hearings.

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