

SENATE BILL REPORT

EHB 1400

As Reported by Senate Committee On:
Law & Justice, March 29, 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: Passed House: 3/05/13, 96-0.

Committee Activity: Law & Justice: 3/18/13, 3/29/13 [DP].

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass.

Signed by Senators Padden, Chair; Kline, Ranking Member; Darneille, Kohl-Welles, Pearson and Roach.

Staff: Jessica Stevenson (786-7465)

Background: Administrative proceedings are governed by the Washington Administrative Procedure Act (APA). In 2012, the Office of Administrative Hearings (OAH) received over 72,000 requests for administrative hearings from citizens. In handling these requests, OAH must follow the APA procedures for the service of administrative hearing notices and orders. OAH must set a time and a place for each hearing and provide written notice to all parties and to all persons who filed petitions to intervene at least seven days before the hearing.

Depending on the availability of further review within an agency, an initial or final order may be entered. Currently, the initial and final orders must be served in writing within 90 days after the conclusion of the hearing or after submission of certain documents.

Under APA, service is defined as posting in the United States mail, properly addressed and postage prepaid, or by personal service. Agencies may authorize service by electronic telefacsimile transmission, where copies are mailed simultaneously, or by a commercial parcel delivery company.

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.

Summary of Bill: Administrative hearing notices and initial and final orders may be served electronically on a party if that party agrees to being served electronically. The definition of service includes electronic service. Agencies may authorize service by electronic transmission without copies being mailed simultaneously.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: The procedures for service will be more efficient for OAH and the parties when using email and other electronic means. Electronic service is optional since OAH is aware that not all people have access to electronic means. OAH projects that it will save \$78,000 on the cost of paper and stamps. Electronic service will improve accessibility for individuals who are blind or have impaired vision since electronic programs will allow people to magnify the font or have the document read aloud to them with special software. A person can email electronic copies to a family member or friend when they need assistance. Some software will translate the document into another language.

Persons Testifying: PRO: Lorraine Lee, Jane Habegger, OAH.