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HOUSE BILL 2623

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State of Washington

63rd Legislature

2014 Regular Session

By Representatives Haler and Klippert

Read first time 01/22/14. Referred to Committee on Government Operations & Elections.

1 AN ACT Relating to establishing a bill of rights for citizens,  
2 businesses, and project proponents who are subject to state agency  
3 action; amending RCW 43.42.040 and 34.05.476; and adding a new section  
4 to chapter 43.42 RCW.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 43.42 RCW  
7 to read as follows:

8 (1) Principles of accountability and transparency should guide all  
9 agencies that are authorized by law to license businesses, grant or  
10 withhold benefits, impose sanctions, investigate, audit, or otherwise  
11 implement and enforce the statutes of the state of Washington.

12 (2) An agency should inform citizens, businesses, and project  
13 proponents of their rights, responsibilities, and obligations with  
14 respect to agency action.

15 (3) Citizens, businesses, and project proponents should be assured  
16 the following rights:

17 (a) A right to expect state agencies to provide a prompt, accurate,  
18 and courteous response to a request for information and to work

1 together to ensure ready access to the information needed to assist  
2 businesses in their relationships with state government;

3 (b) A right to a clear, stable, and predictable regulatory and  
4 recordkeeping environment with easily accessible information and  
5 administrative rules in as clear and concise language as possible;

6 (c) A right to be treated equally and fairly, with reasonable  
7 access to state services;

8 (d) A right to a timely response to an application for a permit,  
9 license, registration, or approval necessary to operate a business;

10 (e) A right to renewal of permits, licenses, registrations, or  
11 approvals, absent a specific reason for nonrenewal; and

12 (f) A right to a clear statement of reasons from the agency, if the  
13 agency is denying an application for a license or permit.

14 (4) A citizen, business, or project proponent may file a complaint  
15 with the office if the citizen, business owner, or project proponent  
16 has reason to believe that one of the rights established in subsection  
17 (3) of this section has been violated.

18 (5)(a) The office shall provide notice of the complaint to the  
19 agency within ten days and take efforts to achieve a prompt and  
20 courteous resolution of the complaint.

21 (b) If the complaint is not resolved within thirty days, the office  
22 shall make written findings and provide them to the agency and to the  
23 person who filed the complaint.

24 (c) In the event that an adjudicative proceeding under chapter  
25 34.05 RCW is initiated, the agency shall include the written findings  
26 prepared under (b) of this subsection as part of the agency record, as  
27 required by RCW 34.05.476.

28 (6) If a person has standing under RCW 34.05.530 and has filed a  
29 petition to obtain judicial review of agency action, documentation that  
30 an agency has violated a right established in this section shall be  
31 considered evidence that exhaustion of administrative remedies would be  
32 futile, providing authority under RCW 34.05.534(3)(b) for the court to  
33 relieve the petitioner of the requirement to exhaust administrative  
34 remedies.

35 **Sec. 2.** RCW 43.42.040 and 2007 c 94 s 5 are each amended to read  
36 as follows:

1 (1) The office shall assist citizens, businesses, and project  
2 proponents by maintaining and furnishing information, including, but  
3 not limited to:

4 (a) To the extent possible, compiling and periodically updating one  
5 or more handbooks containing lists and explanations of permit laws,  
6 including all relevant local, state, federal, and tribal laws. In  
7 providing this information, the office shall seek the cooperation of  
8 relevant local, state, and federal agencies and tribal governments;

9 (b) Establishing and providing notice of a point of contact for  
10 obtaining information;

11 (c) Working closely and cooperatively with business license centers  
12 to provide efficient and nonduplicative service; and

13 (d) Developing a service center and a web site.

14 (2) The office shall coordinate among state agencies to develop an  
15 office web site that is linked through the office of the governor's web  
16 site and that contains information regarding permitting and regulatory  
17 requirements for businesses and citizens in Washington state. At a  
18 minimum, the web site shall provide information or links to information  
19 on:

20 (a) Federal, state, and local rule-making processes and permitting  
21 and regulatory requirements applicable to Washington businesses and  
22 citizens;

23 (b) Federal, state, and local licenses, permits, and approvals  
24 necessary to start and operate a business or develop real property in  
25 Washington;

26 (c) State and local building codes;

27 (d) The process by which a citizen, business owner, or operator may  
28 initiate a complaint that an agency has violated a right provided under  
29 section 1 of this act;

30 (e) Federal, state, and local economic development programs that  
31 may be available to businesses in Washington; and

32 ((+e)) (f) State and local agencies regulating or providing  
33 assistance to citizens and businesses operating a business or  
34 developing real property in Washington.

35 (3) This section does not create an independent cause of action,  
36 affect any existing cause of action, or create any new cause of action  
37 regarding the application of regulatory or permit requirements.

1       **Sec. 3.** RCW 34.05.476 and 1988 c 288 s 423 are each amended to  
2 read as follows:

3       (1) An agency shall maintain an official record of each  
4 adjudicative proceeding under this chapter.

5       (2) The agency record shall include:

6       (a) Notices of all proceedings;

7       (b) Any prehearing order;

8       (c) Any motions, pleadings, briefs, petitions, requests, and  
9 intermediate rulings;

10       (d) Evidence received or considered;

11       (e) A statement of matters officially noticed;

12       (f) Proffers of proof and objections and rulings thereon;

13       (g) Proposed findings, requested orders, and exceptions;

14       (h) The recording prepared for the presiding officer at the  
15 hearing, together with any transcript of all or part of the hearing  
16 considered before final disposition of the proceeding;

17       (i) Any final order, initial order, or order on reconsideration;

18       (j) Staff memoranda or data submitted to the presiding officer,  
19 unless prepared and submitted by personal assistants and not  
20 inconsistent with RCW 34.05.455; (~~and~~)

21       (k) Any written findings prepared by the office of regulatory  
22 assistance in response to a complaint filed under section 1 of this  
23 act; and

24       (1) Matters placed on the record after an ex parte communication.

25       (3) Except to the extent that this chapter or another statute  
26 provides otherwise, the agency record constitutes the exclusive basis  
27 for agency action in adjudicative proceedings under this chapter and  
28 for judicial review of adjudicative proceedings.

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