



PROPOSED RULE MAKING

CR-102 (June 2012)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Environmental and Land Use Hearings Office

- Preproposal Statement of Inquiry was filed as WSR WSR 15-12-016 ; or
- Expedited Rule Making--Proposed notice was filed as WSR _____ ; or
- Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1).

- Original Notice
- Supplemental Notice to WSR _____
- Continuance of WSR _____

Title of rule and other identifying information: (Describe Subject) Chapter 242-03 WAC – GMHB Rules of Practice and Procedure

- Change to WAC 242-03-070 corrects the time for monthly board meetings.
- Changes to WAC 242-03-140, 230 and 240 respond to new mailing and communications technology and protocols.
- Changes to WAC 242-03-260, 270, 500, and 530 modify the case calendar to assist the board in meeting its statutory 180-day decision deadline.
- Changes to WAC 242-03-510, 520, and 640 improve clarity about evidence in the board’s record.
- Changes to WAC 242-03-860, 970 and 990 clarify post-decision procedures.

Hearing location(s): Environmental and Land Use Hearings Office, 1111 Israel Road SW, Suite 301, Tumwater, WA 98501

Submit written comments to:

Name: Paulette Yorke
Address: PO Box 40903, Tumwater, WA 98504

e-mail paulette.yorke@eluhho.wa.gov
fax (306) 664-9171 by (date) November 30, 2015

Date: December 2, 2015 Time: 1:30 pm

Assistance for persons with disabilities: Contact

Paulette Yorke by Nov. 15, 2015

Date of intended adoption: January 6, 2016
(Note: This is **NOT** the **effective** date)

TTY (360) 664-9171 or (360) 664-9170

Purpose of the proposal and its anticipated effects, including any changes in existing rules:

The proposal revises and clarifies the GMHB rules of practice and procedure, in light of court rulings, practitioner questions and advances in electronic communications.

Reasons supporting proposal: The Growth Management Hearings Board was legislatively reorganized effective March 25, 2010 and substantially amended its rules of procedure [former WAC Ch. 242-02] to implement the reorganization. Since then, stakeholders have found some rules unclear.

Further, changes in mailing protocols and electronic communications have made some rules overly cumbersome or obsolete. At the same time, remote work locations of board members required tightening of case calendars to ensure that decision deadlines can be met.

Statutory authority for adoption: RCW 36.70A.270(4) and (7)

Statute being implemented: Ch. 36.70A RCW

Is rule necessary because of a:

- Federal Law? Yes No
 - Federal Court Decision? Yes No
 - State Court Decision? Yes No
- If yes, CITATION: Yes No

CODE REVISER USE ONLY

DATE
October 15, 2015

NAME (type or print)
Paulette Yorke

SIGNATURE

TITLE
Administrative Manager

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

The proposed rule amendments require no statutory changes and have no fiscal impacts, internal or external. Implementing the amendments will be handled by agency staff and board members by revising templates for calendars and board orders. No supplemental budget is needed for this work.

In reviewing its rules of procedure and proposing amendments the board has taken into consideration consistency with the APA and with relevant appellate court decisions. The board also posted notice on its website, circulated inquiries to 100 stakeholders, and considered 9 written comments.

Name of proponent: (person or organization) Growth Management Hearings Board

- Private
- Public
- Governmental

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting..... Margaret Pageler	Tumwater	360-664-9170
Implementation.... Paulette Yorke	Tumwater	360 664-9171
Enforcement..... N/A		()

Has a small business economic impact statement been prepared under chapter 19.85 RCW or has a school district fiscal impact statement been prepared under section 1, chapter 210, Laws of 2012?

Yes. Attach copy of small business economic impact statement or school district fiscal impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone () _____

fax () _____

e-mail _____

No. Explain why no statement was prepared.

The proposed rule amendments are minor adjustments to adjudicatory procedures imposing no costs on businesses, school districts, or other parties.

Is a cost-benefit analysis required under RCW 34.05.328?

Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name:

Address:

phone () _____

fax () _____

e-mail _____

No: Please explain: ELUHO is not one of the agencies subject to the cost benefit analysis – RCW 34.05.328(5)(a). Further, the proposed rule amendments are ‘procedural rules’, not ‘significant legislative rules’ subject to cost benefit review – RCW 34.05.328(5)(c).

