

Initiative Measure No. 1013

Filed

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SECRETARY OF STATE

AN ACT Relating to requiring state agencies to notify citizens of changes in policy or new policy; amending RCW 34.05.230; and creating a new section.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF WASHINGTON:

NEW SECTION. **Sec. 1.** When Washington state government issues a change in policy or new policy that affects the health or welfare of the citizens of this state, it should be required and not just encouraged to notify the citizens of the change or new policy. This measure is to protect the health and welfare of the citizens from changes that may result in harm where citizens take actions or make purchases that may be detrimental to their being because they are unaware of the changes in policy or new policy. An example of this would be the department of agriculture teaching home inspectors that mold and mildew is not a required reporting item on wood destroying organism home inspections. Without public awareness, citizens who might be asthmatic, elderly, or even have young children may inadvertently move into a home where mold becomes a serious issue. Not allowing public knowledge and review also leaves the general public with no ability to question this policy. For years after the inception of the mold guidance policy, lenders, realtors, asthma physicians, home purchasers, insurance companies, state senators overseeing mold policy, and the Washington state American lung association were unaware of the policy. Mold can only be separated from soft rot fungus by microscopic means, and the inspection itself is only visual. Soft rot fungus has far worse consequences when found in large areas of oriented strandboard since the recommendation is removal of the oriented strandboard rather than removal of the mold. Citizens have a right to know when changes are made as well as a right to know of mold in the attics or crawlspaces of their prospective homes. The obligation cannot be put on the seller who can claim they never went into the attic or crawlspace.

Sec. 2. RCW 34.05.230 and 2004 c 31 s 3 are each amended to read as follows:

(1) An agency (~~(is encouraged to)~~) must advise the public of its current opinions, approaches, and likely courses of action by means of interpretive or policy statements. Current interpretive and policy statements are advisory only. To better inform and involve the public, an agency is encouraged to convert long-standing interpretive and policy statements into rules.

(2) A person may petition an agency requesting the conversion of interpretive and policy statements into rules. Upon submission, the agency shall notify the joint administrative rules review committee of the petition. Within sixty days after submission of a petition, the agency shall either deny the petition in writing, stating its reasons for the denial, or initiate rule-making proceedings in accordance with this chapter.

(3) Each agency shall maintain a roster of interested persons, consisting of persons who have requested in writing to be notified of all interpretive and policy statements issued by that agency. Each agency shall update the roster periodically and eliminate persons who do not indicate a desire to continue on the roster. Whenever an agency issues an interpretive or policy statement, it shall send a copy of the statement to each person listed on the roster. The agency may charge a nominal fee to the interested person for this service.

(4) Whenever an agency issues an interpretive or policy statement, it shall submit to the code reviser for publication in the Washington State Register a statement describing the subject matter of the interpretive or policy statement, and listing the person at the agency from whom a copy of the interpretive or policy statement may be obtained.