

SENATE BILL REPORT

SB 5568

AS PASSED SENATE, MARCH 17, 1993

**Brief Description:** Restricting the duration of agency rules.

**SPONSORS:** Senators Jesernig, Amondson, Bauer, Roach, Moore, McDonald, Owen, Skratek, Snyder, Hargrove, M. Rasmussen, West, Hochstatter, Loveland, Vognild, Pelz, McAuliffe, Winsley, Deccio, Anderson, Erwin, Barr, Drew, Oke, Sheldon, Cantu, Bluechel, von Reichbauer and Quigley

**SENATE COMMITTEE ON LABOR & COMMERCE**

**Majority Report:** That Substitute Senate Bill No. 5568 be substituted therefor, and the substitute bill do pass.

Signed by Senators Moore, Chairman; Amondson, Cantu, McAuliffe, Newhouse, Pelz, and Vognild.

**Staff:** Jonathan Seib (786-7427)

**Hearing Dates:** February 12, 1993; February 26, 1993

**BACKGROUND:**

The Regulatory Fairness Act directs state agencies to periodically review certain rules for amendment or rescission in order to minimize their impact on small business. The act, however, does not provide for enforcement of this provision, and there is concern that few rules are ever changed as a result.

Generally, administrative rules adopted by state agencies are not subject to formal review, and may be in effect indefinitely. It is suggested that this allows rules to remain in effect which are outdated and unneeded, and serves only to confuse and unnecessarily burden those to whom they apply.

**SUMMARY:**

No existing rule, the violation of which subjects a person to a penalty or administrative sanction, may be effective for more than three years unless readopted pursuant to the Administrative Procedure Act if it was adopted by any of the following agencies: Ecology, Employment Security, Labor and Industries, Revenue, Licensing, or Health.

No future rule, the violation of which subjects a person to a penalty or administrative sanction, may be effective for more than five years unless readopted pursuant to the Administrative Procedure Act if it is adopted by any of the following agencies: Ecology, Employment Security, Labor and Industries, Revenue, Licensing, or Health.

**Appropriation:** none

**Revenue:** none

**Fiscal Note:** available

**TESTIMONY FOR:**

The existing regulatory process is inefficient and lacks accountability. This bill would be one step towards making state agencies more accountable for what they do. The cost of the bill should be considered against the current cost of inefficiency and overlap.

**TESTIMONY AGAINST:**

The bill would interfere with the ability of agencies to do their jobs, sacrificing public welfare just to save businesses money.

**TESTIFIED:** CON: Alan Darr, Operating Engineers; Bob Dilger, WA State Building & Construction Trades Council; PRO: Darrell Harting, S-Corp; Julie Porter, Assn. of WA Business; Rose Marie Lewis, Unique Impression; Ron Hansen, Assn. of WA Business; Senator Anderson; Jim Rich; Senator Jesernig; Louis Meissner, WA Agri-Business Assn.; Verne Rowe, Ballard Brass