

SENATE BILL REPORT

SB 5061

As Reported By Senate Committee On:
Government Operations, February 20, 1997

Title: An act relating to state and local government.

Brief Description: Reforming regulatory activities.

Sponsors: Senators Hale, Anderson, Haugen, McCaslin, Goings, West, Johnson and Oke.

Brief History:

Committee Activity: Government Operations: 1/28/97, 2/20/97 [DPS-WM, DNP].
Ways & Means: 3/7/97.

SENATE COMMITTEE ON GOVERNMENT OPERATIONS

Majority Report: That Substitute Senate Bill No. 5061 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators McCaslin, Chair; Hale, Vice Chair; Anderson, Haugen, Horn and Patterson.

Minority Report: Do not pass.

Signed by Senator Swanson.

Staff: Diane Smith (786-7410)

SENATE COMMITTEE ON WAYS & MEANS

Staff: Tim Yowell (786-7435)

Background: The Regulatory Reform Act of 1995 created an in-depth analytical process for rules promulgated by state agencies subject to the Administrative Procedure Act (APA). The analytical process, called significant legislative rule making,– applies to certain rules prior to their adoption and does not apply to the Department of Social and Health Services.

The Open Public Meetings Act requires that all meetings of the governing body of a public agency be open and public. The Department of Social and Health Services has construed the definition of governing body– such that the Open Public Meetings Act does not apply to its executive management meetings at which policy proposals are discussed.

Summary of Substitute Bill: The in-depth analytical process called significant legislative rule making applies to rules of the Department of Social and Health Services.

The Open Public Meetings Act applies to any agency, whether governed by an individual or body of individuals, when making policy recommendations.

Substitute Bill Compared to Original Bill: The substitute bill removes rules relating to reimbursements under Title 18 and 19 of the Social Security Act from pre-notice rule-making requirements and from the significant legislative rule-making analysis.

Appropriation: None.

Fiscal Note: Requested on January 21, 1997.

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

Testimony For: Providers have lost confidence in the reimbursement process. This bill increases public access. The same standards should be applied to DSHS as are applied to other agencies.

Testimony Against: Having to be in regulatory reform would impede the way DSHS does business and slow it down significantly. The Open Public Meetings Act could be made applicable to staff meetings.

Testified: Jim Justin, AWC; Fred Hellberg, Governor's office; Scott Sigmon, Amber Balch, WA Health Care Assn. (pro); Mike Killeen, Davis Wright Tremaine (pro); Kristina Hermach, Parke-Davis (pro); Lyle Quasim, DSHS (con); Andy Davidson WSHA (pro).