

# SENATE BILL REPORT

## SB 5105

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

**Title:** An act relating to administrative rule making.

**Brief Description:** Requiring statutory authority for state rules to differ from federal requirements.

**Sponsors:** Senators Deccio, McCaslin, Hale, Goings, Johnson, Haugen, West, Winsley, Oke, Schow and Roach.

**Brief History:**

**Committee Activity:** Government Operations: 1/28/97, 2/20/97 [DPS, DNP].

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### SENATE COMMITTEE ON GOVERNMENT OPERATIONS

**Majority Report:** That Substitute Senate Bill No. 5105 be substituted therefor, and the substitute bill do pass.

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

**Minority Report:** Do not pass.

Signed by Senators Patterson and Swanson.

**Staff:** Diane Smith (786-7410)

**Background:** Before adopting a significant legislative rule, the significant legislative rulemaking analysis requires that certain agencies determine that the rule does not require violation of other state or federal law; that if the rule does differ from state or federal law, to justify the difference either by an explicit state statute or by determining that difference is necessary; and to coordinate the rule as much as possible with federal, state and local law applicable to the same activity or subject matter.

After adopting significant legislative rules that regulate the same activity or subject matter as other federal or state law, the agency must list the other federal and state laws and coordinate the enforcement of the rule with the other entities.

If the agency cannot achieve coordination, it must report the situation to the Joint Administrative Rules Review Committee (JARRC) and recommend legislation to correct the problem.

**Summary of Substitute Bill:** The authority of an agency to determine that it is necessary for a rule to differ from federal law is removed. For significant legislative rules that regulate the same activity or subject matter as other federal or state law, the agency has until July 1, 1998 to coordinate implementation of the rule. If implementation cannot be achieved by July 1, 1998, the agency must so report to JARRC with suggestions for corrective

legislation. On July 1, 1999, any rule that does not have specific statutory authority to overlap or duplicate other federal or state laws or to differ from federal law expires.

**Substitute Bill Compared to Original Bill:** The substitute bill requires specific statutory authority only for significant legislative rules, not all rules, to overlap or duplicate other federal or state laws or to differ from federal law. The substitute bill causes regulations which do not have this specific statutory authority to expire on July 1, 1998, while the original bill caused expiration two years after the effective date of the act.

**Appropriation:** None.

**Fiscal Note:** Requested on February 21, 1997.

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

**Testimony For:** This bill streamlines the regulatory system.

**Testimony Against:** Our safety standards often exceed federal standards and our standards save lives. This bill violates federalism. The differs– criterion throws out all the WAC.

**Testified:** Pat Young; Mike Sciacca, Oil Marketers Association (pro); Robert Dilger, WA State Bldg. Trades (con); Lyle Quasim, DSHS (con); Amber Balch, AWB (pro); Robert Stein, WSLC AFL/CIO (con); Heather Hansen Rainey, WA State Grange (pro); Gary Smith, Ind. Business Association (pro).