

SENATE BILL REPORT

SB 6224

As of January 21, 2004

Title: An act relating to requiring natural resource agencies to use available federal standards in counties with very high unemployment rates.

Brief Description: Prohibiting certain natural resource agencies from exceeding federal requirements in economically distressed counties.

Sponsors: Senators Mulliken, Morton, Swecker and Stevens.

Brief History:

Committee Activity: Land Use & Planning: 1/22/04.

SENATE COMMITTEE ON LAND USE & PLANNING

Staff: Andrea McNamara (786-7483)

Background: The Regulatory Reform Act of 1995 established a number of requirements governing adoption and enforcement of administrative rules. The requirements were based, in part, on the principle that substantial policy decisions should be made by the Legislature, and state agencies should not use administrative authority to create or amend regulatory programs. The act further required justification for any divergence from federal regulations involving substantive legal provisions or carrying penalties or affecting permits. Such justification must take the form of an express statutory authorization or substantial evidence of necessity for achieving the goals and objectives of the governing statute.

According to the most recent nonadjusted unemployment data released by the state's Employment Security Department, unemployment in 14 counties exceeds the statewide average unemployment rate of 6.6 percent. Six counties have unemployment rates in excess of 8 percent: Cowlitz, Ferry, Grays Harbor, Klickitat, Pend Oreille, and Skamania.

Summary of Bill: The Legislature finds that natural resource agencies such as the Departments of Ecology and Fish and Wildlife continue to adopt rules, guidelines, permit conditions, and policies that substantially differ from those that have already been adopted by federal agencies, and that these burdensome and conflicting regulations contribute to economic stagnation and high unemployment in some areas of the state.

In counties where the unemployment rate is 8 percent or higher, the regulatory activities of the Departments of Ecology and Fish and Wildlife may not exceed the standards required by federal law, regulations, or guidelines that are applicable to the same activity or subject matter.

Regulatory activities are defined as those activities that implement a federal law or regulation, either delegated to the state or specifically required by state law, to be implemented by the

department, including issuing permits, conditions, orders, guidelines, policy or interpretive statements; adopting rules; or entering into agreements to implement such actions.

Appropriation: None.

Fiscal Note: Requested on January 14, 2004.

Effective Date: The bill contains an emergency clause and takes effect immediately.