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SENATE BILL 6324

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State of Washington                      53rd Legislature                      1994 Regular Session

By Senators Moore, Anderson, Amondson, Newhouse, Prince and Winsley

Read first time 01/19/94. Referred to Committee on Labor & Commerce.

1            AN ACT Relating to regulatory reform; adding a new section to  
2 chapter 35.21 RCW; and adding a new section to chapter 36.01 RCW.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4            NEW SECTION.    **Sec. 1.** A new section is added to chapter 35.21 RCW  
5 to read as follows:

6            In addition to other requirements imposed by law, no city or town  
7 may adopt an ordinance or resolution, the violation of which subjects  
8 a business to a penalty or sanction, or that establishes, alters, or  
9 revokes a qualification or standard for the issuance, suspension, or  
10 revocation of a license to pursue a commercial activity, trade, or  
11 profession, unless:

12            (1) There exists a written record providing substantial evidence  
13 that: (a) The particular ordinance or resolution is needed; (b) the  
14 benefits of the particular ordinance or resolution outweigh its costs;  
15 (c) the city or town considered any other less intrusive or less costly  
16 means to achieve the purpose of the rule that were proposed in public  
17 hearing, but had reasonable justification for rejecting them in favor  
18 of the adopted rule; and (d) a fee imposed by the ordinance or

1 resolution is reasonable and directly related to the cost of program  
2 administration;

3 (2) The ordinance or resolution is clearly and simply stated, so  
4 that it will be understood by a party required to comply;

5 (3) The ordinance or resolution does not conflict with any other  
6 provision of local, state, or federal law;

7 (4) The city or town has a written plan to inform and educate  
8 affected parties about the rule, to promote voluntary compliance, and  
9 to evaluate whether the ordinance or resolution achieves the purpose  
10 for which it was adopted; and

11 (5) The city or town shall survey other federal, state, and local  
12 entities that have jurisdiction over the same or similar subject matter  
13 to determine whether the ordinance conflicts with, overlaps, or  
14 duplicates other provisions of state, federal, or local law, and  
15 whether the ordinance exceeds any provision of state or federal law  
16 regulating the same activity or subject matter.

17 If a conflict exists, the city or town may not adopt the ordinance  
18 or resolution.

19 If an overlap or duplication exists, the city or town shall (a)  
20 make available to the public a list citing by reference other laws that  
21 the ordinance or resolution overlaps or duplicates, and (b) mitigate  
22 the adverse impact of the overlap or duplication through coordination  
23 with the appropriate federal, state, or local entities.

24 If the ordinance exceeds any provision of state or federal law  
25 regulating the same activity or subject matter, the city or town shall,  
26 to the extent practicable, coordinate implementation or enforcement  
27 with the appropriate state or federal entities.

28 NEW SECTION. **Sec. 2.** A new section is added to chapter 36.01 RCW  
29 to read as follows:

30 In addition to other requirements imposed by law, no county may  
31 adopt an ordinance or resolution, the violation of which subjects a  
32 business to a penalty or sanction, or that establishes, alters, or  
33 revokes a qualification or standard for the issuance, suspension, or  
34 revocation of a license to pursue a commercial activity, trade, or  
35 profession, unless:

36 (1) There exists a written record providing substantial evidence  
37 that: (a) The particular ordinance or resolution is needed; (b) the  
38 benefits of the particular ordinance or resolution outweigh its costs;

1 (c) the county considered any other less intrusive or less costly means  
2 to achieve the purpose of the rule that were proposed in public  
3 hearing, but had reasonable justification for rejecting them in favor  
4 of the adopted rule; and (d) a fee imposed by the ordinance or  
5 resolution is reasonable and directly related to the cost of program  
6 administration;

7 (2) The ordinance or resolution is clearly and simply stated, so  
8 that it will be understood by a party required to comply;

9 (3) The ordinance or resolution does not conflict with any other  
10 provision of local, state, or federal law;

11 (4) The county has a written plan to inform and educate affected  
12 parties about the rule, to promote voluntary compliance, and to  
13 evaluate whether the ordinance or resolution achieves the purpose for  
14 which it was adopted; and

15 (5) The county shall survey other federal, state, and local  
16 entities that have jurisdiction over the same or similar subject matter  
17 to determine whether the ordinance conflicts with, overlaps, or  
18 duplicates other provisions of state, federal, or local law, and  
19 whether the ordinance exceeds any provision of state or federal law  
20 regulating the same activity or subject matter.

21 If a conflict exists, the county may not adopt the ordinance or  
22 resolution.

23 If an overlap or duplication exists, the county shall (a) make  
24 available to the public a list citing by reference other laws that the  
25 ordinance or resolution overlaps or duplicates, and (b) mitigate the  
26 adverse impact of the overlap or duplication through coordination with  
27 the appropriate federal, state, or local entities.

28 If the ordinance exceeds any provision of state or federal law  
29 regulating the same activity or subject matter, the county shall, to  
30 the extent practicable, coordinate implementation or enforcement with  
31 the appropriate state or federal entities.

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