

SENATE BILL REPORT

SB 6087

As Passed Senate, January 15, 1996

Title: An act relating to the department of agriculture grants of rule-making authority.

Brief Description: Rule making by the department of agriculture.

Sponsors: Senators Rasmussen, Morton and Loveland; by request of Department of Agriculture.

Brief History:

Committee Activity: Agriculture & Agricultural Trade & Development: 1/9/96 [DP].
Passed Senate, 1/15/96, 46-0.

SENATE COMMITTEE ON AGRICULTURE & AGRICULTURAL TRADE & DEVELOPMENT

Majority Report: Do pass.

Signed by Senators Rasmussen, Chair; Loveland, Vice Chair; A. Anderson, Bauer, Morton, Newhouse and Snyder.

Staff: Bob Lee (786-7404)

Background: The Regulatory Reform Act of 1995 provides that the Department of Agriculture must have a specific grant of authority to adopt administrative rules rather than relying on a statute's statement of purpose and intent or the statute that created the agency. Existing rules that were in effect continue to remain in effect.

As part of the department's activities to implement the Regulatory Reform Act, a review was conducted by the department and the Attorney General's Office to determine whether any existing rules were based on other than a specific grant of authority. The review concluded in three areas that general authority was used rather than a specific grant of authority.

A specific grant authority is sought so that the department may revise three current rules as necessary in the future.

Summary of Bill: Specific authority for the department to adopt rules is provided for the following areas:

1. regulation of farm milk storage tanks and bulk milk tankers;
2. designation of nonfood and nonfeed crops and disposal of residues from such crops for purposes of pesticide application; and
3. issuance of a permit required by the Department of Health for the importation of certain species of animals that pose a threat to public health.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: This bill is needed to assure the agency has the necessary authority to amend existing rules that protect the public health and provide service to the community.

Testimony Against: None.

Testified: Jim Jesernig, Mary Beth Lang, Department of Agriculture (pro); Mike Schwisow, ORE-WA Dairy Processors (pro).