

1 **2SHB 1032** - H AMD 012 FAILED 2-7-97

2 By Representative Sommers, H.

3 Strike everything after the enacting clause and insert the
4 following:

5 "NEW SECTION. **Sec. 1.** The legislature finds that although
6 state agency rules are intended to protect essential public health,
7 safety, environmental, and welfare functions and to protect
8 citizens from the unwarranted exercise of power by public
9 officials, many of the rules adopted by state agencies have, in
10 fact, impeded the public welfare and imposed unnecessary cost,
11 burden, and complexity. The legislature further finds that there
12 has been a vast increase in the number and complexity of permits,
13 licenses, certificates, and other approvals that individuals and
14 organizations must obtain from an increasing number of government
15 agencies in order to undertake commercial, industrial, and personal
16 projects or activities in the state. Further, many of these rules
17 are difficult to understand, and duplicate or may conflict with
18 other regulations.

19 The legislature further finds that the inefficiencies and
20 intrusions resulting from excessive government regulation
21 constitute an unreasonable financial and personal burden on
22 residents of the state. Unnecessary and inconsistent government
23 regulation inconveniences individuals, inhibits business growth and
24 the creation of jobs, and places Washington's industries at a
25 competitive disadvantage relative to their out-of-state and foreign
26 competitors.

27 It is the intent of the legislature to better serve the
28 citizens of the state by reducing the number, length, and
29 complexity of agency rules, leaving only those that are essential
30 to the public good.

1 NEW SECTION. Sec. 2. (1) Each agency shall promptly undertake
2 a review of every rule which it has adopted, other than an
3 emergency rule, which is in effect on the effective date of this
4 act.

5 (2) After conducting the review required by chapter . . . ,
6 Laws of 1997 (this act), and except as provided in subsection (3)
7 of this section, each agency shall sunset all of its rules on or
8 before twenty-four months after the effective date of this act by
9 taking such steps as are required by law to repeal or amend such
10 rules.

11 (3) Each agency shall retain only those rules which are
12 mandated by law or essential to the health, safety, environment, or
13 welfare of the state's residents. To find that a rule meets this
14 standard, an agency must demonstrate, in its review, that: (a)
15 There is a specific need for governmental intervention that is
16 clearly identified and precisely defined; (b) the rule is not
17 excessively costly and does not require outdated methods of
18 technology; (c) less restrictive and intrusive alternatives have
19 been considered and found less desirable based on a sound
20 evaluation of the alternatives; (d) the agency has established a
21 process and a schedule for measuring the effectiveness of the
22 regulation; and (e) the rule is time-limited or provides for
23 regular review. Rules not meeting this standard shall be repealed,
24 or amended to meet this standard, in accordance with law.

25 (4) In its review, each agency shall ensure that every rule is
26 clear, concise and drawn in plain and readily understandable
27 language. Each agency shall adopt the shortest and simplest rules
28 necessary to achieve the purposes of such rules. In the review
29 required by this act, each agency shall demonstrate how this
30 objective has been achieved.

31 NEW SECTION. Sec. 3. An agency may adopt only those new
32 rules which meet the standards of chapter . . . , Laws of 1997
33 (this act). Any new rule must also be approved pursuant to such
34 standards, terms, and schedules as the director of the financial
35 management shall establish under section 5 of this act.

1 NEW SECTION. **Sec. 4.** Each agency shall appoint a senior
2 official who shall be the contact person for all actions and
3 reviews pursuant to chapter . . . , Laws of 1997 (this act). The
4 agency head may, but need not, designate herself or himself as the
5 contact person.

6 NEW SECTION. **Sec. 5.** The director of financial management
7 shall, consistent with the requirements of law, establish such
8 standards, terms, and schedules as the director deems appropriate
9 and necessary to accomplish the reviews of existing and newly
10 proposed rules as required by chapter . . . , Laws of 1997 (this
11 act). The director may also provide for such waivers or
12 exceptions as are essential for the public health, safety,
13 environment, or welfare.

14 NEW SECTION. **Sec. 6.** Sections 2 through 5 of this act shall
15 constitute new sections in chapter 34.05 RCW.

16 NEW SECTION. **Sec. 7.** This act is necessary for the immediate
17 preservation of the public peace, health, or safety, or support of
18 the state government and its existing public institutions, and
19 shall take effect immediately."

20 Correct the title.

EFFECT: Requires all agencies to review existing rules, other than emergency rules. To retain a rule, an agency must find

that there is a specific need for governmental intervention, that the rule is not excessively costly and does not require outdated methods of technology, that less-restrictive and intrusive alternatives have been considered and found less desirable, that the agency has established a process for measuring the effectiveness of the rule, and that the rule is time-limited or provides for regular review. Rules not meeting this standard must be repealed or amended 24 months after the effective date of the act. OFM shall establish standards and schedules to accomplish the reviews. OFM may provide for waivers or exceptions for public health, safety, environment, or welfare.