

HOUSE BILL REPORT

SB 6739

As Reported By House Committee On:

Government Reform & Land Use

Title: An act relating to governmental actions affecting families.

Brief Description: Requiring assessment of the impact on families before adoption of administrative rules and adoption of local government ordinances or resolutions.

Sponsors: Senators Hargrove and Oke.

Brief History:

Committee Activity:

Government Reform & Land Use: 2/25/98, 2/26/98 [DPA].

HOUSE COMMITTEE ON GOVERNMENT REFORM & LAND USE

Majority Report: Do pass as amended. Signed by 6 members: Representatives Reams, Chairman; Sherstad, Vice Chairman; Bush; Mielke; Mulliken and Thompson.

Minority Report: Do not pass. Signed by 4 members: Representatives Romero, Ranking Minority Member; Lantz, Assistant Ranking Minority Member; Fisher and Gardner.

Staff: Joan Elgee (786-7135).

Background: Many state agencies are authorized to adopt administrative rules to implement statutes. The rule-making requirements include publishing notice of the proposed rule and conducting a hearing. Under the Regulatory Fairness Act, agencies must prepare a small business economic impact statement when adopting a rule that imposes more than minor costs on businesses in an industry or if requested to do so by Joint Administrative Rules Review Committee (JARRC). The statement describes the reporting, record keeping, and other compliance requirements of the proposed rule, analyzes the costs of compliance, and addresses other matters. If the agency finds that the rule has a disproportionate impact on small businesses, the agency must reduce the costs on small businesses, where legal and feasible do to so.

The Legislature has declared state policy for the provision of services to children and families. This policy includes serving children and families as a unit, ensuring that the

best interests of the child are paramount, providing coordinated services, and providing culturally relevant services.

Summary of Amended Bill: Legislative intent is declared to ensure agencies assess the impact of proposed rules on family well-being and to improve the management of executive branch agencies.

At the request of a legislator, an agency must prepare an assessment of a proposed rule on the families of the state of Washington. In preparing the assessment, the agency must be guided by existing state policy for the provision of services to children and families and must determine the following:

- Does the rule strengthen or erode the stability of the family and particularly, the marital commitment?
- Does the proposed rule strengthen or erode the authority and rights of parents in the education, nurture, and supervision of their children?
- Does the proposed rule help the family perform its functions, or substitute governmental activity for the function?
- Does the proposed rule increase or decrease disposable family income?
- Do the proposed benefits of the rule justify the financial impact on the family?
- Would the policy being pursued in the proposed rule be better implemented by local government or by the family? and
- Does the proposed rule establish an implicit or explicit policy concerning the status of the family, the relationship between the behavior and personal responsibility of youth, and the norms of society?

"Family" is defined to mean a group of individuals related by blood, marriage, or adoption who live together as a single household, and any individual related by blood, marriage or adoption to a member of such a group who receives over half of their support from such group.

The agency must attach the assessment to the notice of the proposed rule, along with a certification that the rule has been so assessed and an adequate rationale for implementation of any aspect of the rule that may negatively affect family well-being. The certification must also be submitted to the Office of Financial Management.

Amended Bill Compared to Original Bill: The original bill required assessments for all state agency rules and local ordinances and resolutions. The amended bill limits assessments to state agency rules, and upon request of a legislator. The definition of "family" is added. The criteria for assessing the impact on families are added, and the requirement for the Family Policy Council to develop guidelines is deleted.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Amended Bill: This act takes effect January 1, 1999.

Testimony For: We do environmental impact statements but we don't consider the impact on families; for example, the impact of loss of jobs due to lowered timber harvests. We need a comprehensive way of considering the impact of governmental actions on families. Otherwise, we ultimately pay for the impacts. This is admittedly broad as drafted but there should at least be a study.

Testimony Against: The Legislature should better define what it is trying to achieve. Even minimal analysis will be costly for local governments (original bill). The goal is OK, but is this the most effective method? The Legislature should be included since this is where policy is made.

Testified: Senator Hargrove, prime sponsor; Margaret Casey, Washington State Catholic Council (pro concept); Evan Jacoby, Department of Fish and Wildlife (concerns); Amber Balch, Association of Washington Business (concerns); Jean Wessman, Association of Counties (con, original bill); Judy Wilson, Thurston County Commissioner (con, original bill); Kathy Gerke, Association of Cities (con, original bill); and Fred Hellberg, Governor's office (con).