

SENATE BILL REPORT

SB 5119

As Reported By Senate Committee On:
Labor, Commerce, Research & Development, February 6, 2007

Title: An act relating to legislative requests under the sunrise review process.

Brief Description: Requiring public input during the sunrise review process.

Sponsors: Senators Kohl-Welles, Keiser, Spanel and Murray.

Brief History:

Committee Activity: Labor, Commerce, Research & Development: 2/01/07, 2/6/07 [DPS].

SENATE COMMITTEE ON LABOR, COMMERCE, RESEARCH & DEVELOPMENT

Majority Report: That Substitute Senate Bill No. 5119 be substituted therefor, and the substitute bill do pass.

Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Clements, Ranking Minority Member; Franklin, Hewitt, Holmquist, Murray and Prentice.

Staff: Kathleen Buchli (786-7488)

Background: A sunrise review is conducted by the Department of Licensing (DOL) at the request of the Legislature or of a business or profession seeking regulation. DOL's sunrise review determines whether a business or profession should be regulated or its scope of practice expanded. In conducting its review, DOL must contact the business or professional group seeking regulation, and that group must report on many factors including: why regulation is necessary, if alternatives to regulation exist, the benefit to the public if there is regulation, the extent to which regulation might harm the public, and the expected costs of regulation. Based on this report, DOL will recommend to the Legislature whether the business or profession should be regulated.

According to the sunrise act, a business profession should be regulated or its scope of practice expanded only when it benefits the public interest to do so. This is determined by looking at: whether unregulated practice can clearly harm the health, safety or welfare of the public; whether the public can reasonably be expected to benefit from an assurance of initial and continuing professional ability; and whether the public cannot be effectively protected by other means in a more cost-beneficial manner.

Summary of Bill: When the Legislature requests DOL to conduct a sunrise review, DOL must seek input from members of the public. A review is not complete if it consists only of input from members of the business profession for which the Legislature seeks review.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

EFFECT OF CHANGES MADE BY RECOMMENDED SUBSTITUTE AS PASSED COMMITTEE (Labor, Commerce, Research & Development): DOL must hold a public hearing to receive public comment for the purposes of conducting a sunrise review. DOL must request names from legislators and other identified interested parties of individuals and organizations that may have information needed for the sunrise review. Notice of the hearing must be published in the Washington State Register at least 20 days before the hearing takes place. This notice must also be given to all known interested parties. The "evidence gathered" by DOL and not "public member" input must demonstrate whether the business profession must be regulated. The reporting requirement is modified to include details of DOL's efforts to contact public members.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony: PRO: There have been problems in the current sunrise review process. The Department of Licensing (DOL) has failed to respond to some sunrise review requests. DOL cannot conduct sunrise reviews if they do not hear from the profession that is the subject of the sunrise review. The problem also occurs if the industry about which review is sought does not welcome regulation; in this case, review should not be limited to information provided by that industry. There is a need for a non-biased sunrise review. Public input will strengthen the process.

OTHER: DOL is concerned about past sunrise reviews that were requested but not conducted and is taking steps to ensure that Legislative requests are carried out. DOL does want to assist the Legislature in its sunrise review process.

Persons Testifying: PRO: Senator Kohl-Welles, prime sponsor; Senator Harriet Spanel, sponsor; Stan Bowman, American Institutes of Architects, Washington Council.

OTHER: Barbara Sandahl, Alan Haight, Jean Denslow, Department of Licensing.