

SENATE BILL REPORT

SHB 2386

As Reported By Senate Committee On:
Government Operations, February 23, 1996

Title: An act relating to providing the text of laws and rules as a part of state agency technical assistance programs.

Brief Description: Requiring the text of applicable state or federal law or rule be provided as part of agency technical assistance.

Sponsors: House Committee on Government Operations (originally sponsored by Representatives D. Schmidt, Dyer, Thompson, Radcliff, Hargrove, Sheahan, Chappell, Cairnes, Cooke, Crouse, Scheuerman, Campbell, Honeyford, Buck, Huff, Elliot, Clements, Foreman, Quall, Backlund, Hymes, Costa, Mulliken and McMahan).

Brief History:

Committee Activity: Government Operations: 2/22/96, 2/23/96 [DPA].

SENATE COMMITTEE ON GOVERNMENT OPERATIONS

Majority Report: Do pass as amended.

Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Goings, Hale, Heavey, McCaslin and Winsley.

Staff: Diane Smith (786-7410)

Background: The Technical Assistance portion of the 1995 regulatory reform law required state agencies to adopt policies encouraging voluntary compliance by individuals and businesses subject to regulation. Technical assistance included information on and citations to applicable laws or rules. However, many individuals and businesses subject to regulation lack access to the federal, state laws, and rules cited or referenced.

Citizens also lack access to local permit laws and regulations affecting them. In addition, there is a lack of available information for citizens about the current land use classifications of their property.

Summary of Amended Bill: Regulatory agencies are directed, in certain instances, to supply the text of the specific section or subsection of the applicable state or federal law or rule. This also applies to "notices of corrections" issued because of noncompliance after technical assistance, consultations, and certain other visits or site inspections. The departments that issue such notices are the departments of Ecology, Labor and Industries, Agriculture, Fish and Wildlife, Health, Licensing, and Natural Resources.

Counties and cities with populations over 10,000 that plan under GMA must designate staff who shall assist permit applicants. The assistant may be an existing employee. Assistants have the duty to compile and maintain handouts of local permit laws, inform the public about

how to obtain the handouts and provide assistance on how to apply the local regulations to particular cases.

The local jurisdictions are given access to the Municipal Resource Council and DCTED in preparing and maintaining the handouts.

Thirty days after receipt of a written request from an owner of a single parcel of real property, the county, city or town must provide the owner with the following information if it is readily available: a statement of the property's (1) current zoning and approved variances; (2) pending zoning changes or variances; (3) any designation of any portion of the property as agricultural, forest or mineral resource land; wetland, aquifer recharge area; fish and wildlife habitat conservation, frequently flooded or geologically hazardous area.

If the information is not readily available, the local jurisdiction must inform the property owner of the procedure by which the information may be obtained.

If the local jurisdiction fails to provide the information as described, the requesting property owner is awarded recovery of all attorneys' fees and costs incurred in any successful application for a writ of mandamus to compel production of a complete statement.

No liability is created on the party of a county.

Amended Bill Compared to Substitute Bill: The striking amendment includes provisions for providing copies to citizens of information about local permit laws and land use restrictions on particular property.

Appropriation: None.

Fiscal Note: Requested on January 19, 1996.

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

Testimony For: This bill lets people see the text of the rule they are found to have violated so that they can see where they went wrong and correct the situation themselves.

Testimony Against: None.

Testified: Representative D. Schmidt, original prime sponsor; Carolyn Logue, NFIB (pro); Art Gardner, Art Gardner Logging (pro); David Luark, Luark Logging (pro).