

HOUSE BILL REPORT

SHB 2049

As Passed Legislature

Title: An act relating to technical assistance programs.

Brief Description: Establishing technical assistance programs.

Sponsors: By House Committee on State Government (originally sponsored by Representatives Pearson, Crouse, Cox, Schindler, DeBolt, Mitchell, Ericksen, Cairnes, Clements and Talcott).

Brief History:

Committee Activity:

State Government: 2/19/01, 2/26/01 [DPS].

Floor Activity:

Passed House: 3/12/01, 95-0.

Senate Amended.

Passed Senate: 4/6/01, 46-0.

House Concurred.

Passed House: 4/16/01, 94-0.

Passed Legislature.

Brief Summary of Substitute Bill

- Prohibits agencies from issuing civil penalties during follow-up visits for violations not previously identified in a previous technical assistance visit.

HOUSE COMMITTEE ON STATE GOVERNMENT

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 8 members: Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Miloscia, Democratic Vice Chair; Schindler, Republican Vice Chair; Haigh, Lambert, McDermott and D. Schmidt.

Staff: Jim Morishima (786-7191).

Background:

All regulatory agencies must develop technical assistance programs to encourage

voluntary compliance with statutory requirements. The programs must include printed information, information and assistance by telephone, training meetings, technical assistance visits, and other methods to provide technical assistance.

An owner/operator may request a technical assistance visit, and in all cases, technical assistance visits must be voluntary. During a technical assistance visit, a regulatory agency must inform the owner operator of:

- Any violations of law or agency rules the agency observes;
- What is required to achieve compliance;
- The date by which the agency requires compliance to be achieved, along with information on how to extend this date; and
- Information on how to contact technical assistance providers.

An agency may not impose a civil penalty during a technical assistance program unless:

- The owner/operator has been subject to an enforcement action for, or has been given previous notice of, the same or similar violations in the past;
- The violation involves the remittance of sales tax due to the state; or
- The violation has the probability of causing harm to people, the environment, or property.

After a technical assistance visit where violations have been identified, the regulatory agency must give the owner/operator a reasonable amount of time to correct the violations. A regulatory agency may conduct a follow-up visit after this amount of time has expired and issue civil penalties for uncorrected violations.

Summary of Bill:

During a follow-up visit to a technical assistance visit, a regulatory agency may not issue a civil penalty for violations not previously identified in a technical assistance visit unless:

- The individual or business has been previously cited for, or has been given previous notification of, the same violation;
- The violation involves delinquent sales taxes due to the state; or
- The violation has a probability of causing death or bodily harm, has a probability of causing more than minor environmental harm, or has a probability of causing physical damage to the property of another in an amount exceeding \$1,000.

During a follow-up visit to a technical assistance visit, a regulatory agency may issue a civil penalty for violations of certain workplace safety regulations regardless of whether they were previously identified in a technical assistance visit.

Appropriation: None.

Fiscal Note: Not Requested.

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

Testimony For: (Original bill) This bill improves current requirements regarding the notification of businesses affected by a rule. Often times, small businesses are not informed of new requirements until they are cited. Employers want to comply with the law, but need the tools to get in compliance.

Testimony Against: (Original bill) There are already sufficient notification requirements in law. This bill imposes extremely broad notification requirements and would be very costly on state agencies.

Testified: (In support, original bill) Representative Pearson.

(Comments) Gary Stannigan, Washington State Labor Council, AFL-CIO.

(Opposed, original bill) Bruce Wishart, People for Puget Sound; Jeff Johnson; and Fred Hellberg, Governor's Office.