

HOUSE BILL REPORT

HB 1352

As Reported by House Committee On:
State Government, Elections & Information Technology

Title: An act relating to the licensing and regulatory requirements of small business owners.

Brief Description: Concerning licensing and regulatory requirements of small business owners.

Sponsors: Representatives Barkis, Chapman, J. Walsh, Shea, Koster, Wilcox, McCabe, Harmsworth, Cody, Tarleton, Kretz, Schmick, Short, Vick, Harris, Manweller, Smith, Stokesbary, MacEwen, Nealey, Condotta, Orcutt, Lytton, Springer, Kirby, Blake, Caldier, Jinkins, Taylor, Pike, Hayes, Muri, Holy, Haler, Steele, Kilduff and Tharinger.

Brief History:

Committee Activity:

State Government, Elections & Information Technology: 2/10/17, 2/15/17 [DP].

Brief Summary of Bill

- Requires the Attorney General to conduct a review and submit a report regarding rights and protections for business owners selected for agency enforcement actions.
- Requires specified agencies to conduct a review and submit information to the Attorney General.

HOUSE COMMITTEE ON STATE GOVERNMENT, ELECTIONS & INFORMATION TECHNOLOGY

Majority Report: Do pass. Signed by 9 members: Representatives Hudgins, Chair; Dolan, Vice Chair; Koster, Ranking Minority Member; Volz, Assistant Ranking Minority Member; Appleton, Gregerson, Irwin, Kraft and Pellicciotti.

Staff: Megan Palchak (786-7105).

Background:

According to the State Auditor's 2013 inventory of regulations report, improvements are needed to: (1) streamline business rules; and (2) provide complete and usable information

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regarding current regulations. Some states, such as Virginia, have implemented task forces that include the Attorney General (AG), to tackle regulatory reform. In Washington, the general powers and duties of the Attorney General include, but are not limited to, representing the state before the Supreme Court or Court of Appeals in all cases in which the state is interested. The AG institutes and prosecutes all actions and proceedings for, or for the use of the state, which may be necessary for state officers to execute their duties. The AG defends actions of state officers, consults with government officials, provides written opinions, enforces actions, and responds to legal questions.

Summary of Bill:

Specified agencies, such as the Department of Agriculture, Department of Ecology, and others, must review governing statutes, administrative rules, policy statements, guidance, and directives, to identify the current rights and protections afforded to small business owners selected for inspection, audit, or other agency enforcement. Agencies must provide the AG with specified materials for review no later than August 31, 2017. The AG must: (a) review the Administrative Procedure Act, related administrative rules, similar statutes, and case law to identify rights and protections afforded to small business owners selected for agency enforcement actions; (b) compile and report findings by November 30, 2017; and (c) provide agencies with copies of recommendations by October 30, 2017. Agencies provided with copies of recommendations from the AG may provide written comments regarding the recommendations by November 13, 2017. This Act expires December 31, 2017, and does not apply to criminal investigations or prosecutions.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) This bill will help small business owners understand their rights. The review and reporting timelines are aggressive.

(Opposed) None.

Persons Testifying: Representative Barkis, prime sponsor; Representative Chapman; Patrick Connor, National Federation of Independent Business; and Kerry Cox, Integrated Transaction Control Systems.

Persons Signed In To Testify But Not Testifying: None.