

2 **SB 5746** - S AMD

3 By Senators Barr and Rasmussen

4 Adopted 1/31/92

5 Strike everything after the enacting clause and insert the
6 following:

7 "NEW SECTION. **Sec. 1.** The department, to the greatest extent
8 possible, within available resources and without jeopardizing the
9 department's ability to carry out its legal responsibilities, may
10 designate one or more of its employees as a technical assistance
11 officer, and may organize the officers into one or more technical
12 assistance units within the department. The duties of a technical
13 assistance officer are to coordinate voluntary compliance with the
14 regulatory laws administered by the department and to provide technical
15 assistance concerning compliance with the laws."

16 "NEW SECTION. **Sec. 2.** An employee designated by the department
17 as a technical assistance officer or as a member of a technical
18 assistance unit may not, during the period of the designation, have
19 authority to issue orders or assess penalties on behalf of the
20 department. Requests for technical assistance shall be kept
21 confidential by the technical assistance unit. Such an employee who
22 provides on-site consultation at an industrial or commercial facility
23 and who observes violations of the law shall inform the owner or
24 operator of the facility of the violations. On-site consultation
25 visits by such an employee may not be regarded as inspections or
26 investigations and no notices or citations may be issued or civil
27 penalties assessed during such a visit. However, violations of the law

1 must be reported to the appropriate officers within the department. If
2 the owner or operator of the facility does not correct the observed
3 violations within a reasonable time the department may reinspect the
4 facility and take appropriate enforcement action. If a technical
5 assistance officer or member of a technical assistance unit observes a
6 violation of the law that places a person in danger of death or
7 substantial bodily harm, or has caused or is likely to cause physical
8 damage to the property of others in an amount exceeding one thousand
9 dollars, the department may initiate enforcement action immediately
10 upon observing the violation."

11 "NEW SECTION. Sec. 3. Notwithstanding any other provision of
12 sections 1 and 2 of this act, neither the state, the department, nor an
13 officer or employee of the state is liable in damages to a person to
14 the extent that the liability is asserted to arise from the performance
15 by technical assistance officers of their duties, or where the
16 liability is asserted to arise from the failure of the department to
17 supply technical assistance."

18 "NEW SECTION. Sec. 4. Sections 1 through 3 of this act are
19 each added to chapter 43.21A RCW."

20 **SB 5746** - S AMD
21 By Senators Barr and Rasmussen

22 Adopted 1/31/92

23 On page 1, line 2 of the title, after "measures;" strike the
24 remainder of the title and insert "and adding new sections to chapter
25 43.21A RCW."