

1 2510-S2.E AMS FRAS S5749.1

2 **E2SHB 2510** - S AMD TO LAB COMM AMD (S5443.1) - 000322

3 By Senator Fraser

4 NOT ADOPTED 3/2/94

5 On page 4, line 38 of the amendment, after "federal" strike ",
6 state, or local" and insert "or state"

7 EFFECT: Removes the provision whereby local government laws limit
8 state agency rule making authority.

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10 By Senator Fraser

11 NOT ADOPTED 3/2/94

12 On page 18, after line 5 of the amendment, strike all of section 23
13 and insert the following:

14 NEW SECTION. **Sec. 23.** A new section is added to chapter 43.17
15 RCW to read as follows:

16 (1) The governor shall, where appropriate, require state agencies
17 with regulatory enforcement authority to designate one or more
18 technical assistance representatives to coordinate voluntary compliance
19 and provide technical assistance concerning compliance with the
20 agency's laws and rules.

21 (2) An employee designated by an agency as a technical assistance
22 representative or as a member of a technical assistance unit may not,
23 during the period of the designation, have authority to issue orders or
24 assess penalties on behalf of the agency. Such an employee who
25 provides on-site consultation at an industrial or commercial facility
26 and who observes violations of the law shall inform the owner or
27 operator of the facility of the violations and provide technical
28 assistance concerning compliance. On-site consultation visits by such
29 an employee may not be regarded as inspections or investigations and no
30 notices or citations may be issued or civil penalties assessed during
31 such a visit. However, violations of the law shall be reported to the
32 appropriate officers within the agency. If the owner or operator of
33 the facility does not correct the observed violations within a

1 reasonable time, the agency may reinspect the facility and take
2 appropriate enforcement action. If a technical assistance
3 representative or member of a technical assistance unit observes a
4 violation of the law that places a person in danger of death or
5 substantial bodily harm, is causing or is likely to cause significant
6 environmental harm, or has caused or is likely to cause physical damage
7 to the property of others in an amount exceeding one thousand dollars,
8 the agency may initiate enforcement action immediately upon observing
9 the violation.

10 (3) The state, the agency, and officers or employees of the state
11 shall not be liable for damages to a person to the extent that
12 liability is asserted to arise from the performance by technical
13 assistance representatives of their duties, or if liability is asserted
14 to arise from the failure of the agency to supply technical
15 assistance."

16 EFFECT: Enhances technical assistance programs of state agencies
17 without sacrificing enforcement capacity.

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21 On page 21, line 18 of the title amendment, after "43.31 RCW;"
22 insert "adding a new section to chapter 43.17 RCW;"

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