

2 **SHB 2386** - S COMM AMD  
3 By Committee on Government Operations

4 ADOPTED 3/1/96

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

7 "NEW SECTION. **Sec. 1.** The legislature finds that many individuals  
8 and small businesses who are required to comply with laws and agency  
9 rules often do not have access to the Revised Code of Washington, the  
10 Washington Administrative Code, the United States Code, or the Code of  
11 Federal Regulations. In this case, those informed of violations do not  
12 know whether, or to what extent, the cited law or agency rule actually  
13 applies to their situation. In order to facilitate greater  
14 understanding of the law and agency rules, the legislature finds that  
15 those who make the effort to obtain technical assistance from a  
16 regulatory agency, and those who are issued a notice of correction,  
17 should be given the text of the specific section or subsection of the  
18 law or agency rule they are alleged to have violated.

19 **Sec. 2.** RCW 43.05.030 and 1995 c 403 s 604 are each amended to  
20 read as follows:

21 (1) For the purposes of this chapter, a technical assistance visit  
22 is a visit by a regulatory agency to a facility, business, or other  
23 location that:

- 24 (a) Has been requested or is voluntarily accepted; and  
25 (b) Is declared by the regulatory agency at the beginning of the  
26 visit to be a technical assistance visit.

27 (2) A technical assistance visit also includes a consultative visit  
28 pursuant to RCW 49.17.250.

29 (3) During a technical assistance visit, or within a reasonable  
30 time thereafter, a regulatory agency shall inform the owner or operator  
31 of the facility of any violations of law or agency rules identified by  
32 the agency as follows:

- 33 (a) A description of the condition that is not in compliance and  
34 (~~a specific citation to~~) the text of the specific section or  
35 subsection of the applicable state or federal law or rule;

- 1 (b) A statement of what is required to achieve compliance;
- 2 (c) The date by which the agency requires compliance to be  
3 achieved;
- 4 (d) Notice of the means to contact any technical assistance  
5 services provided by the agency or others; and
- 6 (e) Notice of when, where, and to whom a request to extend the time  
7 to achieve compliance for good cause may be filed with the agency.

8 **Sec. 3.** RCW 43.05.060 and 1995 c 403 s 607 are each amended to  
9 read as follows:

10 (1) If in the course of any site inspection or visit that is not a  
11 technical assistance visit, the department of ecology becomes aware of  
12 conditions that are not in compliance with applicable laws and rules  
13 enforced by the department and are not subject to civil penalties as  
14 provided for in RCW 43.05.070, the department may issue a notice of  
15 correction to the responsible party that shall include:

16 (a) A description of the condition that is not in compliance and  
17 (~~a specific citation to~~) the text of the specific section or  
18 subsection of the applicable state or federal law or rule;

19 (b) A statement of what is required to achieve compliance;

20 (c) The date by which the department requires compliance to be  
21 achieved;

22 (d) Notice of the means to contact any technical assistance  
23 services provided by the department or others; and

24 (e) Notice of when, where, and to whom a request to extend the time  
25 to achieve compliance for good cause may be filed with the department.

26 (2) A notice of correction is not a formal enforcement action, is  
27 not subject to appeal, and is a public record.

28 (3) If the department issues a notice of correction, it shall not  
29 issue a civil penalty for the violations identified in the notice of  
30 correction unless the responsible party fails to comply with the  
31 notice.

32 **Sec. 4.** RCW 43.05.090 and 1995 c 403 s 610 are each amended to  
33 read as follows:

34 (1) Following a consultative visit pursuant to RCW 49.17.250, the  
35 department of labor and industries shall issue a report to the employer  
36 that the employer shall make available to its employees. The report  
37 shall contain:

1 (a) A description of the condition that is not in compliance and  
2 (~~a specific citation to~~) the text of the specific section or  
3 subsection of the applicable state or federal law or rule;

4 (b) A statement of what is required to achieve compliance;

5 (c) The date by which the department requires compliance to be  
6 achieved;

7 (d) Notice of means to contact technical assistance services  
8 provided by the department; and

9 (e) Notice of when, where, and to whom a request to extend the time  
10 to achieve compliance for good cause may be filed with the department.

11 (2) Following a compliance inspection pursuant to RCW 49.17.120,  
12 the department of labor and industries shall issue a citation for  
13 violations of industrial safety and health standards. The citation  
14 shall not assess a penalty if the violations:

15 (a) Are determined not to be of a serious nature;

16 (b) Have not been previously cited;

17 (c) Are not willful; and

18 (d) Do not have a mandatory penalty under chapter 49.17 RCW.

19 **Sec. 5.** RCW 43.05.100 and 1995 c 403 s 611 are each amended to  
20 read as follows:

21 (1) If in the course of any inspection or visit that is not a  
22 technical assistance visit, the department of agriculture, fish and  
23 wildlife, health, licensing, or natural resources becomes aware of  
24 conditions that are not in compliance with applicable laws and rules  
25 enforced by the department and are not subject to civil penalties as  
26 provided for in RCW 43.05.110, the department may issue a notice of  
27 correction to the responsible party that shall include:

28 (a) A description of the condition that is not in compliance and  
29 (~~a specific citation to~~) the text of the specific section or  
30 subsection of the applicable state or federal law or rule;

31 (b) A statement of what is required to achieve compliance;

32 (c) The date by which the department requires compliance to be  
33 achieved;

34 (d) Notice of the means to contact any technical assistance  
35 services provided by the department or others; and

36 (e) Notice of when, where, and to whom a request to extend the time  
37 to achieve compliance for good cause may be filed with the department.

1 (2) A notice of correction is not a formal enforcement action, is  
2 not subject to appeal, and is a public record.

3 (3) If the department issues a notice of correction, it shall not  
4 issue a civil penalty for the violations identified in the notice of  
5 correction unless the responsible party fails to comply with the  
6 notice.

7 NEW SECTION. **Sec. 6.** A new section is added to chapter 35.21 RCW  
8 to read as follows:

9 (1) A property owner may make a written request for a statement of  
10 restrictions applicable to a single parcel, tract, lot, or block of  
11 real property to the city or town in which the real property is  
12 located.

13 (2) Within thirty days of the receipt of the request, the city or  
14 town shall provide the owner, by registered mail, with a statement of  
15 restrictions as described in subsection (3) of this section.

16 (3) The statement of restrictions shall include the following:

17 (a) The zoning currently applicable to the real property;

18 (b) Pending zoning changes currently advertised for public hearing  
19 that would be applicable to the real property;

20 (c) Any designations made by the city or town pursuant to chapter  
21 36.70A RCW of any portion of the real property as agricultural land,  
22 forest land, mineral resource land, wetland, an area with a critical  
23 recharging effect on aquifers used for potable water, a fish and  
24 wildlife habitat conservation area, a frequently flooded area, and as  
25 a geological hazardous area; and

26 (d) If information regarding the designations listed in (c) of this  
27 subsection are not readily available, inform the owner of the procedure  
28 by which the owner can obtain that site-specific information from the  
29 city or town.

30 (4) If a city or town fails to provide the statement of  
31 restrictions within thirty days after receipt of the written request,  
32 the owner shall be awarded recovery of all attorneys' fees and costs  
33 incurred in any successful application for a writ of mandamus to compel  
34 production of a statement.

35 (5) For purposes of this section:

36 (a) "Owner" means any vested owner or any person holding the  
37 buyer's interest under a recorded real estate contract in which the  
38 seller is the vested owner; and

1 (b) "Real property" means a parcel, tract, lot or block: (i)  
2 Containing a single-family residence that is occupied by the owner or  
3 a member of his or her family, or rented to another by the owner; or  
4 (ii) five acres or less in size.

5 (6) This section does not affect the vesting of permits or  
6 development rights.

7 Nothing in this section shall be deemed to create any liability on  
8 the part of a city or town.

9 NEW SECTION. **Sec. 7.** A new section is added to chapter 35A.21 RCW  
10 to read as follows:

11 (1) A property owner may make a written request for a statement of  
12 restrictions applicable to a single parcel, tract, lot, or block of  
13 real property to the code city in which the real property is located.

14 (2) Within thirty days of the receipt of the request, the code city  
15 shall provide the owner, by registered mail, with a statement of  
16 restrictions as described in subsection (3) of this section.

17 (3) The statement of restrictions shall include the following:

18 (a) The zoning currently applicable to the real property;

19 (b) Pending zoning changes currently advertised for public hearing  
20 that would be applicable to the real property;

21 (c) Any designations made by the code city pursuant to chapter  
22 36.70A RCW of any portion of the real property as agricultural land,  
23 forest land, mineral resource land, wetland, an area with a critical  
24 recharging effect on aquifers used for potable water, a fish and  
25 wildlife habitat conservation area, a frequently flooded area, and as  
26 a geological hazardous area; and

27 (d) If information regarding the designations listed in (c) of this  
28 subsection are not readily available, inform the owner of the procedure  
29 by which the owner can obtain that site-specific information from the  
30 code city.

31 (4) If a code city fails to provide the statement of restrictions  
32 within thirty days after receipt of the written request, the owner  
33 shall be awarded recovery of all attorneys' fees and costs incurred in  
34 any successful application for a writ of mandamus to compel production  
35 of a statement.

36 (5) For purposes of this section:

1 (a) "Owner" means any vested owner or any person holding the  
2 buyer's interest under a recorded real estate contract in which the  
3 seller is the vested owner; and

4 (b) "Real property" means a parcel, tract, lot or block: (i)  
5 Containing a single-family residence that is occupied by the owner or  
6 a member of his or her family, or rented to another by the owner; or  
7 (ii) five acres or less in size.

8 (6) This section does not affect the vesting of permits or  
9 development rights.

10 Nothing in this section shall be deemed to create any liability on  
11 the part of a code city.

12 NEW SECTION. **Sec. 8.** A new section is added to chapter 36.70 RCW  
13 to read as follows:

14 (1) A property owner may make a written request for a statement of  
15 restrictions applicable to a single parcel, tract, lot, or block of  
16 real property located in an unincorporated portion of a county to the  
17 county in which the real property is located.

18 (2) Within thirty days of the receipt of the request, the county  
19 shall provide the owner, by registered mail, with a statement of  
20 restrictions as described in subsection (3) of this section.

21 (3) The statement of restrictions shall include the following:

22 (a) The zoning currently applicable to the real property;

23 (b) Pending zoning changes currently advertised for public hearing  
24 that would be applicable to the real property;

25 (c) Any designations made by the county pursuant to chapter 36.70A  
26 RCW of any portion of the real property as agricultural land, forest  
27 land, mineral resource land, wetland, an area with a critical  
28 recharging effect on aquifers used for potable water, a fish and  
29 wildlife habitat conservation area, a frequently flooded area, and as  
30 a geological hazardous area; and

31 (d) If information regarding the designations listed in (c) of this  
32 subsection are not readily available, inform the owner of the procedure  
33 by which the owner can obtain that site-specific information from the  
34 county.

35 (4) If a county fails to provide the statement of restrictions  
36 within thirty days after receipt of the written request, the owner  
37 shall be awarded recovery of all attorneys' fees and costs incurred in

1 any successful application for a writ of mandamus to compel production  
2 of a statement.

3 (5) For purposes of this section:

4 (a) "Owner" means any vested owner or any person holding the  
5 buyer's interest under a recorded real estate contract in which the  
6 seller is the vested owner; and

7 (b) "Real property" means a parcel, tract, lot or block: (i)  
8 Containing a single-family residence that is occupied by the owner or  
9 a member of his or her family, or rented to another by the owner; or  
10 (ii) five acres or less in size.

11 (6) This section does not affect the vesting of permits or  
12 development rights.

13 Nothing in this section shall be deemed to create any liability on  
14 the part of a county.

15 NEW SECTION. **Sec. 9.** A new section is added to chapter 36.70B RCW  
16 to read as follows:

17 (1) Each county and city having populations of ten thousand or more  
18 that plan under RCW 36.70A.040 shall designate permit assistance staff  
19 whose function it is to assist permit applicants. An existing employee  
20 may be designated as the permit assistance staff.

21 (2) Permit assistance staff designated under this section shall:

22 (a) Make available to permit applicants all current local  
23 government regulations and adopted policies that apply to the subject  
24 application. The local government shall provide counter copies thereof  
25 and, upon request, provide copies according to chapter 42.17 RCW. The  
26 staff shall also publish and keep current one or more handouts  
27 containing lists and explanations of all local government regulations  
28 and adopted policies;

29 (b) Establish and make known to the public the means of obtaining  
30 the handouts and related information; and

31 (c) Provide assistance regarding the application of the local  
32 government's regulations in particular cases.

33 (3) Permit assistance staff designated under this section may  
34 obtain technical assistance and support in the compilation and  
35 production of the handouts under subsection (2) of this section from  
36 the municipal research council and the department of community, trade,  
37 and economic development.

1        NEW SECTION.    **Sec. 10.**    A new section is added to chapter 43.110  
2 RCW to read as follows:

3        The municipal research council shall provide technical assistance  
4 in the compilation of and support in the production of the handouts to  
5 be published and kept current by counties and cities under section 9 of  
6 this act.

7        NEW SECTION.    **Sec. 11.**    A new section is added to chapter 43.330  
8 RCW to read as follows:

9        The department shall provide technical assistance in the  
10 compilation of and support in the production of the handouts to be  
11 published and kept current by counties and cities under section 9 of  
12 this act.

13        NEW SECTION.    **Sec. 12.**    Sections 6 through 8 of this act take  
14 effect January 1, 1997."

15    **SHB 2386** - S COMM AMD  
16        By Committee on Government Operations

ADOPTED 3/1/96

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18        On page 1, line 2 of the title, after "programs;" strike the  
19 remainder of the title and insert "amending RCW 43.05.030, 43.05.060,  
20 43.05.090, and 43.05.100; adding a new section to chapter 35.21 RCW;  
21 adding a new section to chapter 35A.21 RCW; adding a new section to  
22 chapter 36.70 RCW; adding a new section to chapter 36.70B RCW; adding  
23 a new section to chapter 43.110 RCW; adding a new section to chapter  
24 43.330 RCW; creating a new section; and providing an effective date."

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