
**State Government & Tribal Affairs
Committee**

SSB 6142

Brief Description: Changing agency regulatory practices.

Sponsors: Senate Committee on Economic Development, Trade & Innovation (originally sponsored by Senators Kilmer, Becker, Rolfes, Hatfield, Kastama, Baumgartner, Eide, Fain, Hobbs, Shin, Parlette, Chase and Frockt).

Brief Summary of Substitute Bill

- Adds requirements to regulatory agencies regarding technical assistance visits and first-time small business violations.
- Requires the Office of Regulatory Assistance to develop customer service surveys for regulatory agencies and to coordinate an agency small business liaison team.

Hearing Date: 2/16/12

Staff: Marsha Reilly (786-7135).

Background:

The Office of Regulatory Assistance (ORA) provides environmental permitting assistance in navigating the permit process, and provides assistance to small businesses by helping identify licensing and permitting requirements and providing other business assistance. The ORA also works to improve the regulatory process.

In 1995 the Legislature enacted the Technical Assistance Act (TAA). The TAA requires regulatory agencies, as defined in the Administrative Procedures Act, to provide technical assistance to businesses that comply with state regulatory programs. These technical assistance programs must include technical assistance visits, printed information, information and assistance by telephone, and training meetings. Under the TAA, an agency cannot issue a civil penalty to a business for a first-time violation discovered during a technical assistance visit, so

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long as the violation is corrected within a reasonable time. Unless otherwise prohibited, agencies are allowed to issue civil penalties for first-time violations discovered outside of technical assistance visits.

Under legislation enacted in 2010, before an agency may impose a fine, civil penalty, or administrative sanction on a small business for a violation of a law or rule, the agency must provide the small business with a copy of the law or rule being violated. With some exceptions, the agency must also allow the small business at least seven calendar days to correct the violation. If no correction is possible or the agency is acting in response to a complaint made by a third party who would be disadvantaged by an opportunity to correct, the opportunity to correct does not apply.

Summary of Bill:

Regulatory agencies must provide to a small business a copy of the state law or agency rule that is being violated, as well as a list of correct actions necessary for compliance. Once that information has been provided, the agency may not add more violations or corrective actions during that review period, unless generated by complaints from a third party.

For purposes of technical assistance visits, if violations are not identified during the visit, the agency must let the owner or operator of the facility know when to expect the results of the visit. During the technical assistance visit, the person conducting the visit must provide the owner or operator with a website where the owner or operator may complete an anonymous customer service survey. Regulatory agencies must also require their regulators to complete a self assessment for each technical assistance visit. The self assessment must be comparable to the customer service survey. Each individual regulator must receive the aggregate results of customer service surveys relating to his or her visits to compare with the regulator's self assessment. The ORA must work with regulatory agencies to develop a customer service survey that regulated entities may complete after a technical assistance visit.

The ORA must coordinate an agency small business liaison team, and provide information and assistance to legislators in responding to constituent inquiries regarding small business relation, permitting, or other regulatory issues.

Appropriation: None.

Fiscal Note: Available.

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