

2 **SB 6242** - S AMD TO S AMD (S5067.3) - 000138

3 By Senator Fraser

4 NOT ADOPTED 2/12/94

5 On page 17, line 23, strike all of section 23 and insert the  
6 following:

7 "NEW SECTION. **Sec. 23.** A new section is added to chapter 43.17  
8 RCW to read as follows:

9 (1) The governor and all elected officials who head state agencies  
10 shall, where appropriate, require state agencies with regulatory  
11 enforcement authority to designate one or more technical assistance  
12 representatives to encourage and coordinate voluntary compliance and  
13 provide technical assistance concerning compliance with the agency's  
14 laws and rules. Such technical assistance representatives may perform  
15 such duties on either a full-time or part-time basis.

16 (2) An employee designated by an agency to provide technical  
17 assistance may not, during the period of the designation, have  
18 authority to issue orders or assess penalties on behalf of the agency.  
19 The agency shall develop a means to identify the employee to businesses  
20 as a technical assistance provider during the period of designation.  
21 Such an employee who provides on-site consultation to a business and  
22 who observes non-compliance with the law shall inform the owner or  
23 operator of the business of the violations and provide technical  
24 assistance concerning compliance. On-site consultation visits by such  
25 an employee may not be regarded as inspections or investigations for  
26 enforcement purposes, and no notices or citations may be issued or  
27 civil penalties assessed during such a visit. If the owner or operator  
28 of the business does not correct the observed non-compliance within a  
29 reasonable time and the business is inspected with enforcement  
30 personnel, the agency may take appropriate enforcement action. If a  
31 technical assistance representative or member of a technical assistance  
32 unit observes a non-compliance with the law that places a person in  
33 danger of death or substantial bodily harm, is causing or is likely to  
34 cause significant environmental harm, or has caused or is likely to  
35 cause physical damage to the property of others in an amount exceeding  
36 one thousand dollars, the agency may initiate enforcement action

1 immediately upon observing the violation. In the case of an unpaid tax  
2 or fee, the agency may initiate immediate enforcement action if the  
3 amount unpaid by the business in a year is greater than a minor amount  
4 or a minor percent of the amount owed.

5 (3) The state, the agency, and officers or employees of the state  
6 shall not be liable for damages to a person to the extent that  
7 liability is asserted to arise from the performance by technical  
8 assistance representatives of their duties, or if liability is asserted  
9 to arise from the failure of the agency to supply technical assistance.

10 (4) Nothing in this section shall be construed to preclude any  
11 agency employee from providing technical assistance concerning  
12 compliance with an agency's laws and rules."

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16 On page 21, line 1 after "RCW;" insert "adding a new section to  
17 chapter 43.17 RCW;"

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