

SENATE BILL REPORT

SHB 1777

As Reported By Senate Committee On:
State & Local Government, April 1, 1999

Title: An act relating to technical assistance documents.

Brief Description: Defining technical assistance documents.

Sponsors: House Committee on State Government (originally sponsored by Representatives B. Chandler, Schindler, McMorris, Dunshee, Romero and Lantz).

Brief History:

Committee Activity: State & Local Government: 3/31/99, 4/1/99 [DP].

SENATE COMMITTEE ON STATE & LOCAL GOVERNMENT

Majority Report: Do pass.

Signed by Senators Patterson, Chair; Gardner, Vice Chair; Hale, Haugen, Horn, Kline and McCaslin.

Staff: Diane Smith (786-7410)

Background: Regulatory agencies are required to engage in technical assistance programs encouraging regulated parties voluntarily to comply with the law. These programs include technical assistance visits, printed information, information and assistance by telephone, and training meetings.

A technical assistance document is not defined; however, technical assistance is defined. Technical assistance includes: (1) information on laws, rules, and compliance methods and technologies; (2) information on methods to avoid compliance problems; (3) assistance in applying for permits; and (4) information on the mission, goals, and objectives of the program.

A technical assistance visit must be requested, or voluntarily accepted, and the regulatory agency must declare the visit to be a technical assistance visit at the beginning of the visit. During a technical assistance visit, or a reasonable time after such a visit, the regulatory agency shall inform the owner or operator of the facility about any violations of law or agency rules that were identified during the visit.

The owner and operator must be given a reasonable period to correct violations that were identified during the visit before a civil penalty is imposed for these violations. However, civil penalties may be issued for violations that are observed during a technical assistance visit under the following circumstances:

- the individual or business has previously been subject to an enforcement action for the same or similar violations of the same statute or rule or has been given previous notice of the same or similar violation of the same statute or rule;
- the issue involves sales taxes due to the state and the individual or business is not remitting previously collected sales taxes to the state; or
- the violation has a probability of placing a person in danger of death or bodily harm, has a probability of causing more than minor environmental harm, or has a probability of causing more than \$1,000 in physical damage to the property of another.

Summary of Bill: A technical assistance document is defined as documents prepared to provide certain information and are entitled as a technical assistance document by the agency head or its designee. Technical assistance documents do not include notices of correction, violation, or enforcement action. Technical assistance documents do not impose mandatory obligations or serve as the basis for a citation.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: This is a great stride forward for regulatory reform. It gives certainty and security for people seeking advice from agencies. It clarifies that technical assistance documents are only for the purpose of assisting.

Testimony Against: None.

Testified: Amber Balch, AWB (pro).