

***State Government Committee***

***HB 2049***

***Brief Description:*** *Establishing technical assistance programs.*

***Sponsors:*** *Representatives Pearson, Crouse, Cox, Schindler, DeBolt, Mitchell, Ericksen, Cairnes, Clements and Talcott.*

***Brief Summary of Bill***

- *Requires agencies adopting rules imposing requirements on businesses to make a good faith effort to notify affected businesses of the availability of technical assistance.*
- *Prohibits agencies from issuing civil penalties during follow-up visits for violations not previously identified in a technical assistance visit.*
- *Prohibits agencies from issuing civil penalties during follow-up visits if a good faith effort has been made to comply with the law.*

***Hearing Date:*** *2/19/01*

***Staff:*** *Jim Morishima (786-7191).*

***Background:***

*All regulatory agencies must develop technical assistance programs to encourage voluntary compliance with statutory requirements. The programs must include printed information, information and assistance by telephone, training meetings, technical assistance visits, and other methods to provide technical assistance.*

*An owner/operator may request a technical assistance visit, and in all cases, technical assistance visits must be voluntary. During a technical assistance visit, a regulatory agency must inform the owner operator of:*

- *Any violations of law or agency rules the agency observes;*
- *What is required to achieve compliance;*

- *The date by which the agency requires compliance to be achieved, along with information on how to extend this date; and*
- *Information on how to contact technical assistance providers.*

*An agency may not impose a civil penalty during a technical assistance program unless:*

- *The owner/operator has been subject to an enforcement action for, or has been given previous notice of, the same or similar violations in the past;*
- *The violation involves the remittance of sales tax due to the state; or*
- *The violation has the probability of causing harm to people, the environment, or property.*

*After a technical assistance visit where violations have been identified, the regulatory agency must give the owner/operator a reasonable amount of time to correct the violations. A regulatory agency may conduct a follow-up visit after this amount of time has expired and issue civil penalties for uncorrected violations.*

***Summary of Bill:***

*Within 200 days of the effective date of a rule that imposes additional requirements and possible penalties on businesses, the agency adopting the rule must make a good faith effort to notify businesses affected by the rule of the requirements of the rule and how to obtain technical assistance. An agency has made a good faith effort if it: 1) Has at least notified all businesses in the class affected by the rule registered with the Department of Revenue, or 2) has at least notified persons holding a license, registration, or permit, if the rule only affects holders of a license, registration or permit. The notification must announce and summarize the rule change, and include contact information for more information.*

*During a follow-up visit, the regulatory agency may not issue a civil penalty for violations not previously identified in a preceding technical assistance visit, or if the owner has made a good faith effort to comply with the law since the preceding technical assistance visit.*

***Rulemaking Authority:*** *No express authority.*

***Appropriation:*** *None.*

***Fiscal Note:*** *Not Requested.*

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