
SENATE BILL 6578

State of Washington 61st Legislature 2010 Regular Session

By Senators Swecker, Jacobsen, Kastama, Pflug, Becker, and Fraser

Read first time 01/18/10. Referred to Committee on Economic
Development, Trade & Innovation.

1 AN ACT Relating to the creation of an optional multiagency
2 permitting team; reenacting and amending RCW 43.84.092; adding new
3 sections to chapter 43.42 RCW; and declaring an emergency.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 43.42 RCW
6 to read as follows:

7 (1) The legislature finds that the state of Washington has
8 implemented a number of successful measures to streamline, coordinate,
9 and consolidate the multiparty, multijurisdictional permitting and
10 regulatory decision-making process. The office of regulatory
11 assistance was developed and implemented at a time when the state faced
12 a crisis in its economic competitiveness. The multiagency permitting
13 team for transportation was developed and implemented at a time when
14 the state's transportation system faced a crisis in public confidence
15 concerning transportation project delivery. The legislature further
16 finds that the state of Washington is now facing an economic and
17 financial crisis that requires immediate action to spur economic
18 development and the creation of jobs.

19 (2) The legislature intends to:

1 (a) Draw from and extend the benefits of proven permit streamlining
2 solutions to future project proponents and aid the state's recovery by
3 authorizing an optional multiagency permitting team modeled after the
4 multiagency permitting team developed and implemented for state
5 transportation projects. It is the purpose of this act to provide
6 willing permit applicants and project proponents with permit
7 coordination and integrated regulatory decision-making services on a
8 cost-reimbursed basis; and

9 (b) Phase-in a revenue-neutral permit streamlining approach to
10 expedite permit and regulatory decision making.

11 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.42 RCW
12 to read as follows:

13 (1)(a) The office of regulatory assistance must develop and
14 advertise an optional multiagency permitting team for coordinated
15 permitting and integrated regulatory decision making starting with the
16 Puget Sound basin.

17 (b) The expenses associated with operating the optional multiagency
18 permitting team must be recovered by the office of regulatory
19 assistance using existing state cost-reimbursement and interagency
20 cost-sharing authorities as applicable, except the initial
21 administrative costs and other costs that may arise that are not
22 recoverable through cost-reimbursement or cost-sharing mechanisms may
23 be covered by funds from the multiagency permitting team account
24 created in section 3 of this act.

25 (c) The director of the office of regulatory assistance must
26 solicit donations and such other funds as the director deems
27 appropriate from public and private sources for the purposes of
28 covering the initial administrative costs and other costs associated
29 with the operation of the optional multiagency permitting team which
30 are not recoverable. All such solicited funds must be placed in the
31 multiagency permitting team account created in section 3 of this act.

32 (2) The optional multiagency permitting team must be:

33 (a) A mobile team, capable of travelling together as a team,
34 initially throughout the Puget Sound basin;

35 (b) Located initially in central Puget Sound;

36 (c) Staffed by senior-level permitting and regulatory decision-

1 making personnel representing the Washington state departments of
2 ecology, fish and wildlife, and natural resources; and

3 (d) Managed by the office of regulatory assistance through a team
4 leader responsible for:

5 (i) Hiring, staffing, and managing daily operations and
6 coordinating workload for the optional multiagency permitting team;

7 (ii) Developing, defining, and providing a set of coordinated
8 permitting and integrated decision-making services consistent with
9 those set forth in subsection (3) of this section;

10 (iii) Developing and executing funding agreements with applicants,
11 project proponents, regulatory agencies, and others as necessary to
12 ensure the financial viability of the optional multiagency permitting
13 team;

14 (iv) Measuring and regularly reporting on team performance, results
15 and outcomes achieved, including improved: Permitting predictability,
16 interagency early project coordination, interagency accessibility,
17 interagency relationships, mitigation effectiveness, and project
18 delivery;

19 (v) Conducting outreach, marketing, and advertising of team
20 services and team availability;

21 (vi) Developing and maintaining partnerships and working
22 relationships with local, state, and federal organizations not core to
23 the optional multiagency permitting team that can be called upon to
24 join the team on a project-by-project basis;

25 (vii) Implementing issue and dispute resolution protocols;

26 (viii) Incorporating and using virtual tools to support permitting
27 and regulatory coordination, collaboration, and expedited decision
28 making; and

29 (ix) Extending and subsequently implementing the optional
30 multiagency permitting team approach to other significant geographic
31 regions of the state.

32 (3) The optional multiagency permitting team must at a minimum
33 provide the following core services:

34 (a) A permit advisory service to help applicants identify
35 applicable permits and regulatory approvals;

36 (b) A preapplication coordination service to help applicants
37 understand applicable requirements and plan out with the assistance of

1 the regulatory agencies an optimally sequenced permitting and
2 regulatory decision-making strategy and approach for the overall
3 project;

4 (c) A permit coordination service to set schedules and agreed-upon
5 time frames for the applicant and regulatory decision makers and to
6 track, monitor, and report progress made in meeting those schedules and
7 time frames;

8 (d) An integrated, unified decision-making service to provide the
9 applicant and project proponents with consistent and consolidated
10 regulatory review and decision making; and

11 (e) A mitigation coordination and optimization service to help
12 applicants and regulatory agencies collaborate on and implement
13 mitigation obligations within a watershed context so that superior
14 environmental results can be achieved.

15 (4) Local and federal permitting and regulatory personnel must be
16 incorporated into the optional multiagency permitting team whenever
17 possible and at least on a project-by-project basis. Moneys recouped
18 through state cost-reimbursement and interagency cost-sharing
19 authorities may be used to cover local and federal participation.

20 (5) The optional multiagency permitting team must provide services
21 for complex and moderately complex projects requiring multiple permits
22 and regulatory approvals and having multiple points of regulatory
23 jurisdiction. The optional multiagency permitting team must market and
24 advertise its services, targeting such project types as:

25 (a) Environmental, clean-up, restoration, and enhancement projects;

26 (b) Projects requiring extensive mitigation coordination and
27 optimization assistance;

28 (c) Larger scale public, private, and port development projects,
29 including marinas, docks, terminals, ferry landings, bulkheads,
30 roads/bridges, and outfalls;

31 (d) More complex joint aquatic resources permit application
32 projects;

33 (e) Aquaculture projects; and

34 (f) Energy, power generation, and utility projects.

35 NEW SECTION. **Sec. 3.** A new section is added to chapter 43.42 RCW
36 to read as follows:

37 The multiagency permitting team account is created in the custody

1 of the state treasurer. All receipts from solicitations authorized in
2 section 2 of this act must be deposited in the account. Expenditures
3 from the account may be used only for covering the initial
4 administrative costs of multiagency permitting teams and such other
5 costs associated with the teams as may arise that are not recoverable
6 through cost-reimbursement or cost-sharing mechanisms. Only the
7 director of the office of regulatory assistance or the director's
8 designee may authorize expenditures from the account. The account is
9 subject to the allotment procedures under chapter 43.88 RCW, but an
10 appropriation is not required for expenditures.

11 **Sec. 4.** RCW 43.84.092 and 2009 c 479 s 31, 2009 c 472 s 5, and
12 2009 c 451 s 8 are each reenacted and amended to read as follows:

13 (1) All earnings of investments of surplus balances in the state
14 treasury shall be deposited to the treasury income account, which
15 account is hereby established in the state treasury.

16 (2) The treasury income account shall be utilized to pay or receive
17 funds associated with federal programs as required by the federal cash
18 management improvement act of 1990. The treasury income account is
19 subject in all respects to chapter 43.88 RCW, but no appropriation is
20 required for refunds or allocations of interest earnings required by
21 the cash management improvement act. Refunds of interest to the
22 federal treasury required under the cash management improvement act
23 fall under RCW 43.88.180 and shall not require appropriation. The
24 office of financial management shall determine the amounts due to or
25 from the federal government pursuant to the cash management improvement
26 act. The office of financial management may direct transfers of funds
27 between accounts as deemed necessary to implement the provisions of the
28 cash management improvement act, and this subsection. Refunds or
29 allocations shall occur prior to the distributions of earnings set
30 forth in subsection (4) of this section.

31 (3) Except for the provisions of RCW 43.84.160, the treasury income
32 account may be utilized for the payment of purchased banking services
33 on behalf of treasury funds including, but not limited to, depository,
34 safekeeping, and disbursement functions for the state treasury and
35 affected state agencies. The treasury income account is subject in all
36 respects to chapter 43.88 RCW, but no appropriation is required for

1 payments to financial institutions. Payments shall occur prior to
2 distribution of earnings set forth in subsection (4) of this section.

3 (4) Monthly, the state treasurer shall distribute the earnings
4 credited to the treasury income account. The state treasurer shall
5 credit the general fund with all the earnings credited to the treasury
6 income account except:

7 The following accounts and funds shall receive their proportionate
8 share of earnings based upon each account's and fund's average daily
9 balance for the period: The aeronautics account, the aircraft search
10 and rescue account, the budget stabilization account, the capitol
11 building construction account, the Cedar River channel construction and
12 operation account, the Central Washington University capital projects
13 account, the charitable, educational, penal and reformatory
14 institutions account, the cleanup settlement account, the Columbia
15 river basin water supply development account, the common school
16 construction fund, the county arterial preservation account, the county
17 criminal justice assistance account, the county sales and use tax
18 equalization account, the data processing building construction
19 account, the deferred compensation administrative account, the deferred
20 compensation principal account, the department of licensing services
21 account, the department of retirement systems expense account, the
22 developmental disabilities community trust account, the drinking water
23 assistance account, the drinking water assistance administrative
24 account, the drinking water assistance repayment account, the Eastern
25 Washington University capital projects account, the education
26 construction fund, the education legacy trust account, the election
27 account, the energy freedom account, the energy recovery act account,
28 the essential rail assistance account, The Evergreen State College
29 capital projects account, the federal forest revolving account, the
30 ferry bond retirement fund, the freight congestion relief account, the
31 freight mobility investment account, the freight mobility multimodal
32 account, the grade crossing protective fund, the public health services
33 account, the health system capacity account, the personal health
34 services account, the high capacity transportation account, the state
35 higher education construction account, the higher education
36 construction account, the highway bond retirement fund, the highway
37 infrastructure account, the highway safety account, the high occupancy
38 toll lanes operations account, the industrial insurance premium refund

1 account, the judges' retirement account, the judicial retirement
2 administrative account, the judicial retirement principal account, the
3 local leasehold excise tax account, the local real estate excise tax
4 account, the local sales and use tax account, the medical aid account,
5 the mobile home park relocation fund, the motor vehicle fund, the
6 motorcycle safety education account, the multiagency permitting team
7 account, the multimodal transportation account, the municipal criminal
8 justice assistance account, the municipal sales and use tax
9 equalization account, the natural resources deposit account, the oyster
10 reserve land account, the pension funding stabilization account, the
11 perpetual surveillance and maintenance account, the public employees'
12 retirement system plan 1 account, the public employees' retirement
13 system combined plan 2 and plan 3 account, the public facilities
14 construction loan revolving account beginning July 1, 2004, the public
15 health supplemental account, the public transportation systems account,
16 the public works assistance account, the Puget Sound capital
17 construction account, the Puget Sound ferry operations account, the
18 Puyallup tribal settlement account, the real estate appraiser
19 commission account, the recreational vehicle account, the regional
20 mobility grant program account, the resource management cost account,
21 the rural arterial trust account, the rural Washington loan fund, the
22 site closure account, the small city pavement and sidewalk account, the
23 special category C account, the special wildlife account, the state
24 employees' insurance account, the state employees' insurance reserve
25 account, the state investment board expense account, the state
26 investment board commingled trust fund accounts, the state patrol
27 highway account, the state route number 520 corridor account, the
28 supplemental pension account, the Tacoma Narrows toll bridge account,
29 the teachers' retirement system plan 1 account, the teachers'
30 retirement system combined plan 2 and plan 3 account, the tobacco
31 prevention and control account, the tobacco settlement account, the
32 transportation 2003 account (nickel account), the transportation
33 equipment fund, the transportation fund, the transportation improvement
34 account, the transportation improvement board bond retirement account,
35 the transportation infrastructure account, the transportation
36 partnership account, the traumatic brain injury account, the tuition
37 recovery trust fund, the University of Washington bond retirement fund,
38 the University of Washington building account, the urban arterial trust

1 account, the volunteer firefighters' and reserve officers' relief and
2 pension principal fund, the volunteer firefighters' and reserve
3 officers' administrative fund, the Washington fruit express account,
4 the Washington judicial retirement system account, the Washington law
5 enforcement officers' and firefighters' system plan 1 retirement
6 account, the Washington law enforcement officers' and firefighters'
7 system plan 2 retirement account, the Washington public safety
8 employees' plan 2 retirement account, the Washington school employees'
9 retirement system combined plan 2 and 3 account, the Washington state
10 health insurance pool account, the Washington state patrol retirement
11 account, the Washington State University building account, the
12 Washington State University bond retirement fund, the water pollution
13 control revolving fund, and the Western Washington University capital
14 projects account. Earnings derived from investing balances of the
15 agricultural permanent fund, the normal school permanent fund, the
16 permanent common school fund, the scientific permanent fund, and the
17 state university permanent fund shall be allocated to their respective
18 beneficiary accounts. All earnings to be distributed under this
19 subsection (4) shall first be reduced by the allocation to the state
20 treasurer's service fund pursuant to RCW 43.08.190.

21 (5) In conformance with Article II, section 37 of the state
22 Constitution, no treasury accounts or funds shall be allocated earnings
23 without the specific affirmative directive of this section.

24 NEW SECTION. **Sec. 5.** This act is necessary for the immediate
25 preservation of the public peace, health, or safety, or support of the
26 state government and its existing public institutions, and takes effect
27 immediately.

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