

SENATE BILL REPORT

SB 5148

As Reported By Senate Committee On:
Environmental Quality & Water Resources, February 12, 1999
Ways & Means, March 1, 1999

Title: An act relating to the permit assistance center.

Brief Description: Changing permit assistance center provisions.

Sponsors: Senators B. Sheldon, Morton and Fraser; by request of Department of Ecology.

Brief History:

Committee Activity: Environmental Quality & Water Resources: 1/22/98, 2/12/99 [DPS, DNPS].

Ways & Means: 2/25/99, 3/1/99 [DPS (EQWR), DNPS].

SENATE COMMITTEE ON ENVIRONMENTAL QUALITY & WATER RESOURCES

Majority Report: That Substitute Senate Bill No. 5148 be substituted therefor, and the substitute bill do pass.

Signed by Senators Fraser, Chair; Eide, Vice Chair; Morton, Jacobsen, McAuliffe and Swecker.

Minority Report: Do not pass substitute.

Signed by Senator Honeyford.

Staff: Richard Ramsey (786-7412)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: That Substitute Senate Bill No. 5148 as recommended by Committee on Environmental Quality & Water Resources be substituted therefor, and the substitute bill do pass.

Signed by Senators Loveland, Chair; Fairley, Fraser, Kline, Kohl-Welles, Long, Rasmussen, B. Sheldon, Snyder, Spanel and Thibaudeau.

Minority Report: Do not pass substitute.

Signed by Senator Honeyford.

Staff: Kari Guy (786-7437)

Background: The Permit Assistance Center was established within the Department of Ecology (DOE) by the Legislature in 1995 to provide assistance to businesses and public agencies in complying with the state's environmental quality laws. The center functions as a clearinghouse for information on environmental permits and, when requested, may function

in a coordination role for specific projects. The 1995 legislation provided for sunset of the center on June 30, 1999.

In a sunset review of the center, the Joint Legislative Audit and Review Committee: (1) found that DOE had complied with the Legislature's intent in establishing the center and in implementing the coordinated permit process; (2) made recommendations for improving the center's efficiency and effectiveness including modifying the center's reporting requirements; and (3) recommended re-authorizing the center.

Summary of Substitute Bill: The Permit Assistance Center is re-authorized and the sunset provisions are repealed. The center's reporting requirements are changed from annual to biennial and expanded. The expanded requirements focus on making recommendations for streamlining and coordinating environmental permitting and documenting the center's performance for specific criteria. The timing of negotiating for coordinated permitting services is modified. Cost recovery is authorized in which agencies may seek from the permit applicant the reimbursement of costs incurred in environmental review and permit processing. The range of activities subject to cost reimbursement includes current and temporary agency staff and consultants. Priority for the use of general funds monies at the center is given to coordination and services for small projects.

Substitute Bill Compared to Original Bill: A provision is added to the findings and declaration to promote the public's trust and confidence in the underlying permit process. Reporting requirements are changed to include: biennial reporting; performance measures; public notice and public participation; promote the public's trust and confidence; revenues generated; and the center's budget and expenditures.

Priority is given to the use of general funds monies at the center for coordination and services for small projects. "Small project" is defined as: not participating in cost-reimbursement; requiring fewer than five state permits; having fewer than 25 employees; or having an estimated assessed value of less than \$500,000.

"Technical studies" is added to the activities subject to cost reimbursement. The range of activities subject to cost reimbursement is specified to include current and temporary agency staff and consultants.

Appropriation: None.

Fiscal Note: Requested on January 14, 1999.

Effective Date: Ninety days after adjournment of session in which bill is passed except that Section 4, repealing the sunset provisions, is effective June 30, 1999.

Testimony For (Environmental Quality & Water Resources): The Permit Assistance Center has met its statutory mandate and should be reauthorized. Large projects should be given the opportunity to reimburse agency expenses in environmental and permit review. Small project applicants should not be penalized.

Testimony Against (Environmental Quality & Water Resources): With a tendency toward shorter time frames for permit review and processing, the opportunity for public participation

and comment needs to be provided. The center can improve its performance in distributing information, perhaps through regional permit assistance centers and creating a focus on small business assistance. As the center's role expands from a clearinghouse for permitting information to facilitation of the permit process, there may be a duplication of effort of private sector and competition with companies that provide facilitation services.

Testified (Environmental Quality & Water Resources): Senator Betti Sheldon (pro); Gordon White, Department of Ecology (pro); Peter Birch, Department of Fish and Wildlife (pro); Judy Turpin, Washington Environmental Council (concerns); Jerry Smedes, Northwest Environmental Business Council (pro-concerns); Kevin Raymond, Cairnevoss & Hempelman (pro).

Testimony For (Ways & Means): Expanded cost recovery provides the flexibility to address peak agency workloads and allows major projects to move forward without unnecessary delays.

Testimony Against (Ways & Means): None.

Testified (Ways & Means): PRO: Scott Boettcher, Dept. of Ecology; Kevin Raymond, Trendwest Resorts.