HOUSE BILL REPORT
ESHB 2735

As Passed House:
February 12, 2002

Title: An act relating to establishing the joint task force on permit streamlining.

Brief Description: Creating a joint task force on permit streamlining.

Sponsors: By House Committee on State Government (originally sponsored by Representatives Romero, Doumit, Linville, Rockefeller, Edwards, Ogden, Dickerson, Jackley, Grant, O'Brien, Upthegrove, Conway and Kenney).

Brief History:
Committee Activity:
State Government: 2/5/02, 2/8/02 [DPS].
Floor Activity:
Passed House: 2/12/02, 70-27.

Brief Summary of Engrossed Substitute Bill

· Creates a joint task force on permit streamlining to evaluate the effectiveness of state land use, planning, environmental, and permitting statutes, and make recommendations to the Legislature.

HOUSE COMMITTEE ON STATE GOVERNMENT

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 6 members: Representatives Romero, Chair; Miloscia, Vice Chair; McDermott, Schindler, Schmidt and Upthegrove.

Staff: Marsha Reilly (786-7135).

Background:

State, federal, and local environmental regulations, several of which have their own permitting requirements, are administered by several different agencies. As a result, environmental permits can be delayed when review processes are done in sequence rather than concurrently. A number of state laws allow or require counties and cities to establish land use regulations or control land use activities. Environmental laws and

development regulations regarding land use and development have increased the number of required local and state land use permits. Several state and local agencies have separate review and permit processes, many of which conflict, overlap and duplicate.

Some permit streamlining has occurred. One example involves the Department of Transportation's (WSDOT) Environmental Affairs Office working with the Federal Highway Administration (FHWA) to receive federal delegation of the Biological Assessment process associated with the Endangered Species Act (ESA). The WSDOT demonstrated a process acceptable to the federal agency responsible for the ESA permitting and the FHWA delegated the ESA permitting authority to the WSDOT, eliminating one level of review.

The Department of Ecology created the Permit Assistance Center (PAC). The PAC provides public information regarding permitting laws and a coordinated state permitting procedure that applicants may use at their option and expense.

The Governor's Competitiveness Council (council) found that Washington's environmental regulatory system "is a tangled structure that evolved in piecemeal fashion, resulting in an uncoordinated and inefficient regulatory regime." The council made several recommendations including consolidating and/or coordinating permitting procedures.

Summary of Engrossed Substitute Bill:

The task force on permit streamlining is created and consists of six members of the House of Representatives and six members of the Senate, three each from the majority party and three each from the minority party. The task force will be co-chaired by one senator and one state representative appointed by the Senate Majority Leader and the Speaker of the House of Representatives, respectively.

The purpose of the task force is to evaluate the effectiveness of state land use, planning, environmental, and permitting statutes to coordinate and streamline permit review processes and consider needed changes. In doing so, the following objectives will be considered:
· Development of a coordinated permit process for all required project permits;
· Improvement in coordination of state and local agencies in reviewing and responding to permit applications;
· Reduction in delays so that permit decisions are made in a timely manner;
· Enhancement of agency responsiveness to concerns regarding processes and decisions;
· Identification of resource problems; and
· Examination of a means to expedite permit processing when more stringent environmental standards are agreed upon.

The task force may appoint an advisory committee of advisors and experts to provide input on various subjects. The staff of Senate Committee Services and the Office of Program Research will staff the joint task force.

Final findings, conclusions or recommendations must be agreed to by a majority of the members and included in a final report, along with any legislative proposals, and presented to the Legislature by January 10, 2003. Minority findings, conclusions, or recommendations may also be included.

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Appropriation: None.

Fiscal Note: Not Requested.

Effective Date: The bill contains an emergency clause and takes effect immediately.

Testimony For: We have been following the permit streamlining discussions through the council and through this bill, and are very pleased to see this responsible approach to considering permit streamlining.

The following are recommended for amendments. First, ask the joint task forces to review the resources allocated to state resources trying to implement their permitting programs and find ways to expedite a permit if you are going to move to higher standards.

(In support with suggestions) We support most of the concepts but suggest changes. One of the assignments of the task force is to evaluate effectiveness of the various environmental programs. In the interest of streamlining, you can get too bogged down by this and we suggest eliminating it. Tasks assigned from the council should be incorporated.

Permit streaming is the number two priority of business. We want certainty, predictability, understandable rules, and expediency, and this bill is a good step toward achievement of these goals. However, in the interest of bipartisanship, we suggest that the membership on the committee represent both parties equally.

Testimony Against: None.

Testified: (In support) Nina Carter, Audubon Society; Steve Stuart, 1000 Friends of Washington; and Mark Johnson, National Federation of Independent Business.

(In support with suggestions) Kristen Sawin, Association of Washington Business.