

SENATE BILL REPORT

E2SHB 2671

As Reported By Senate Committee On:
Environment, Energy & Water, March 1, 2002
Ways & Means, March 4, 2002

Title: An act relating to a permit assistance center within the department of ecology.

Brief Description: Creating the permit assistance center in the office of the governor.

Sponsors: House Committee on Appropriations (originally sponsored by Representatives Linville, Romero, Reardon, Simpson, Gombosky, Grant, Veloria, Kessler, Conway, Doumit, Hatfield, Ogden, Morris, Kenney, Dickerson, Edwards, Chase, Schual-Berke, Wood, Rockefeller, Jackley, Kagi and McDermott).

Brief History:

Committee Activity: Environment, Energy & Water: 2/26/02, 3/1/02 [DPA-WM].
Ways & Means: 3/4/02 [DPA (EEW)].

SENATE COMMITTEE ON ENVIRONMENT, ENERGY & WATER

Majority Report: Do pass as amended and be referred to Committee on Ways & Means.
Signed by Senators Fraser, Chair; Regala, Vice Chair; Eide, Hale, Honeyford, Jacobsen, Keiser and Morton.

Staff: Genevieve Pisarski (786-7488)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: Do pass as amended by Committee on Environment, Energy & Water.
Signed by Senators Brown, Chair; Regala, Vice Chair; Fairley, Vice Chair; Fraser, Hewitt, Honeyford, Kline, Kohl-Welles, Long, Poulsen, Rasmussen, Rossi, B. Sheldon, Snyder, Spanel, Thibaudeau, Winsley and Zarelli.

Staff: Richard Ramsey (786-7412)

Background: The Permit Assistance Center was created in 1995 in the Department of Ecology (DOE) to provide the public information regarding environmental permitting laws and assistance to businesses and public agencies in complying with these laws. In addition to other requirements, the Permit Assistance Center was directed to develop and provide a coordinated state permitting procedure that permit applicants could use at their option and expense and was authorized by statute to recover costs for this coordinated permit process.

The Permit Assistance Center's statutory provisions were subject to a sunset provision. Although the Joint Legislative Audit and Review Committee prepared a sunset review recommending reauthorization, the Permit Assistance Center's statutory provisions expired

on June 30, 1999. An appropriation in the 1999-2001 budget continued funding for Permit Assistance Center operations, and it continues to operate within the DOE.

Summary of Amended Bill: The Permit Assistance Center (PAC) is created in the office of the Governor. All funding, powers, duties, functions, and records of the permit assistance center currently operating within the Department of Ecology are transferred to the PAC, including validity of prior and pending actions.

The PAC must operate on the principle that state citizens have the right to:

- a date in time for a decision on permits;
- notification of the information required by the permitting agency or authorizing agency in order to accept a completed application or issue a final decision; and
- an estimate of the maximum amount of costs in fees, studies, or public processes that will be incurred by the permit applicant.

These provisions do not create a right of action.

Working with various state and local agencies, the PAC must create a range of permit assistance options. Options include a centralized customer call center, a web site for permitting information, facilitation services offered on a regional basis, and a process for developing a coordinated permit process utilizing a cost reimbursement system. The PAC also must work to develop informal processes for dispute resolution between agencies and permit applicants and, to the maximum extent possible, must work with the Transportation Permit Efficiency and Accountability Committee.

In addition, the PAC must:

- Publish and keep current informational handbooks for all permit laws;
- Establish and make known a contact for distribution of the handbook and public advice;
- Work closely and cooperatively with the Business Licence Center in providing efficient and non-duplicative service to the public;
- Collect and disseminate information to public and private entities on federal, state, local, and tribal government programs that rely on private professional expertise to assist governmental agencies in project permit review;
- Provide an annual performance report to the Legislature based on customer surveys;
- Report annually to the Legislature regarding statutory or regulatory conflicts relating to agency authority; and
- Report annually to the Legislature regarding use of outside independent consultants.

The PAC must prioritize expenditures to provide services to small projects.

Upon a project proponent's request, the PAC must appoint a project facilitator to assist in determining applicable regulatory requirements, processes, and permits and to provide information and options. If requested, the project facilitator must facilitate a project scoping meeting within 60 days. Items to be identified at the scoping meeting are specified. The results of this meeting must be documented in written form, be provided to the project applicant, and be available to the public.

The PAC also may provide active project coordination upon request. Based on a written cost reimbursement agreement, the PAC would initiate this process by convening a scoping meeting. In addition, the PAC would serve as the main contact with regard to coordinated permit processes and manage permit processing. The PAC must ensure the permit applicant has all necessary information, coordinate the review of those permits by the permit agencies, ensure timely permit decisions are made, and assist in resolving any conflict or inconsistency among permit requirements and conditions. The PAC must coordinate all cost-reimbursement agreements under other statutes.

The written cost reimbursement agreement may be negotiated to recover the reasonable costs incurred by the PAC, permit agencies, and outside independent consultants. Only the costs of performing permit services coordinated through the coordinated permitting process may be recovered. Any independent consultants report directly to the permitting agency. Provisions are included for development of a cost reimbursement policy; bidding, negotiation and development of the cost reimbursement agreement; avoiding conflicts of interest; billing; initiation of agency participation; and notification of a permitting agency's inability to meet its contractual obligations.

An 11-member Permit Assistance Advisory Council is created. The council includes seven members appointed by the Governor to represent business, the environmental community, agriculture, port districts, counties, cities, and tribes. Four legislative members serve as nonvoting members. Council appointments must reflect geographical balance and population diversity. Members serve four-year terms. The council must:

- Assess the performance of the PAC;
- Review annual customer surveys to determine the PAC's effectiveness; and
- Recommend changes to PAC services to enhance technical assistance to permit applicants.

Provisions creating the PAC do not affect the jurisdiction of the Energy Facility Site Evaluation Council.

The PAC terminates June 30, 2007, and the act sunsets June 30, 2008. The act is null and void if specific funding is not provided in the budget.

Amended Bill Compared to Second Substitute Bill: Provisions stating a right to information regarding permits are clarified and do not create a right of action. Two annual reporting requirements are added, regarding conflicts relating to authorities and roles of agencies and regarding use of outside independent consultants.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: Coordination of state permitting is needed, especially for multi-jurisdictional projects. The same agencies will still issue the same permits, but the Governor's Office will provide information, facilitation, and coordination, in keeping with recommendations of the

Competitiveness Council. The things that the center at the Department of Ecology is doing now are clarified, updated, and formalized.

Testimony Against: None.

Testified: PRO: Kristen Sawin, AWB; Scott Boettcher, Ecology; Jerry Smedes, NW Environmental Business Council; Willy O'Neil, AGC of WA; Greg Hanon, Williams.