
HOUSE BILL 1550

State of Washington

58th Legislature

2003 Regular Session

By Representatives Linville, Armstrong, Haigh, Buck, Schual-Berke, McDermott and Conway

Read first time 01/29/2003. Referred to Committee on State Government.

1 AN ACT Relating to ensuring that regulatory information and
2 assistance is available to Washington citizens through an office of
3 regulatory assistance; amending RCW 43.42.005, 43.42.010, 43.42.030,
4 43.42.040, 43.131.401, and 43.131.402; and declaring an emergency.

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

6 **Sec. 1.** RCW 43.42.005 and 2002 c 153 s 1 are each amended to read
7 as follows:

8 (1) The legislature finds that the health and safety of its
9 citizens, natural resources, and the environment are vital interests of
10 the state that must be protected to preserve the state's quality of
11 life. The legislature also finds that the state's economic well-being
12 is a vital interest that depends upon the development of fair,
13 coordinated environmental permitting processes that ensure that the
14 state not only protects natural resources but also encourages
15 appropriate activities that stimulate growth and development. The
16 legislature further finds that Washington's environmental protection
17 programs have established strict standards to reduce pollution and
18 protect public health and safety and the environment.

1 (2) The legislature also finds that, as the number of environmental
2 and land use laws have grown in Washington, so have the number of
3 permits required of business and government. The increasing number of
4 individual permits and permit agencies has generated the potential for
5 conflict, overlap, and duplication among various state, local, and
6 federal permits. Lack of coordination in the processing of project
7 applications may cause costly delays and frustration to applicants.

8 (3) The legislature further finds that not all project applicants
9 require the same type of assistance. Applicants with small projects
10 may merely need information about local and state permits and
11 assistance in applying for those permits, while intermediate-sized
12 projects may require a facilitated permit process, and large complex
13 projects may need extensive coordination among local, state, and
14 federal agencies and tribal governments.

15 (4) The legislature further finds that persons doing business in
16 Washington state should have access to appropriate information
17 regarding state regulations, permit requirements, and agency rule-
18 making processes.

19 (5) The legislature, therefore, finds that a range of assistance
20 and coordination options should be available to project applicants from
21 a state office independent of any local, state, or federal permit
22 agency. The legislature finds that citizens, businesses, and project
23 applicants should be provided with:

24 (a) A reliable and consolidated source of information concerning
25 federal, state, and local environmental and land use laws and
26 procedures that may apply to any given project;

27 (b) Facilitated interagency forums for discussion of significant
28 issues related to the multiple permitting processes if needed for some
29 project applicants; and

30 (c) Active coordination of all applicable regulatory and land use
31 permitting procedures if needed for some project applicants.

32 ((+5)) (6) The legislature declares that the purpose of this
33 chapter is to transfer the existing permit assistance center in the
34 department of ecology to a new office of permit assistance in the
35 office of financial management to:

36 (a) Assure that citizens, businesses, and project applicants will
37 continue to be provided with vital information regarding environmental

1 and land use laws and with assistance in complying with environmental
2 and land use laws to promote understanding of these laws and to protect
3 public health and safety and the environment;

4 (b) Ensure that facilitation of project permit decisions by permit
5 agencies promotes both process efficiency and environmental protection;

6 (c) Allow for coordination of permit processing for large projects
7 upon project applicants' request and at project applicants' expense to
8 promote efficiency, ensure certainty, and avoid conflicts among permit
9 agencies; and

10 (d) Provide these services through an office independent of any
11 permit agency to ensure that any potential or perceived conflicts of
12 interest related to providing these services or making permit decisions
13 can be avoided.

14 ~~((+6+))~~ (7) The legislature also declares that the purpose of this
15 chapter is to provide citizens of the state with access to information
16 regarding state regulations, permit requirements, and agency rule-
17 making processes in Washington state.

18 (8) The legislature intends that establishing an office of
19 ~~((permit))~~ regulatory assistance will provide these services without
20 abrogating or limiting the authority of any permit agency to make
21 decisions on permits that it issues. The legislature therefore
22 declares that the office of ~~((permit))~~ regulatory assistance shall have
23 authority to provide these services but shall not have any authority to
24 make decisions on permits.

25 **Sec. 2.** RCW 43.42.010 and 2002 c 153 s 2 are each amended to read
26 as follows:

27 (1) The office of ~~((permit))~~ regulatory assistance is created in
28 the office of financial management and shall be administered by the
29 office of the governor to assist citizens, businesses, and project
30 applicants.

31 (2) The office shall:

32 (a) Maintain and furnish information as provided in RCW 43.42.040;

33 (b) Furnish facilitation as provided in RCW 43.42.050;

34 (c) Furnish coordination as provided in RCW 43.42.060;

35 (d) Coordinate cost reimbursement as provided in RCW 43.42.070;

36 (e) Work with state agencies and local governments to continue to
37 develop a range of permit assistance options for project applicants;

1 (f) Review initiatives developed by the transportation permit
2 efficiency and accountability committee established in chapter 47.06C
3 RCW and determine if any would be beneficial if implemented for other
4 types of projects;

5 (g) Work to develop informal processes for dispute resolution
6 between agencies and permit applicants;

7 (h) Conduct customer surveys to evaluate its effectiveness; and

8 (i) Provide the following biennial reports to the governor and the
9 appropriate committees of the legislature:

10 (i) A performance report, based on the customer surveys required in
11 (h) of this subsection;

12 (ii) A report on any statutory or regulatory conflicts identified
13 by the office in the course of its duties that arise from differing
14 legal authorities and roles of agencies and how these were resolved.
15 The report may include recommendations to the legislature and to
16 agencies; and

17 (iii) A report regarding use of outside independent consultants
18 under RCW 43.42.070, including the nature and amount of work performed
19 and implementation of requirements relating to costs.

20 (3) A director of the office shall be hired no later than June 1,
21 2003.

22 (4) The office shall give priority to furnishing assistance to
23 small projects when expending general fund moneys allocated to it.

24 **Sec. 3.** RCW 43.42.030 and 2002 c 153 s 4 are each amended to read
25 as follows:

26 The definitions in this section apply throughout this chapter
27 unless the context clearly requires otherwise.

28 (1) "Office" means the office of (~~permit~~) regulatory assistance
29 in the office of financial management established in RCW 43.42.010.

30 (2) "Permit" means any permit, certificate, use authorization, or
31 other form of governmental approval required in order to construct or
32 operate a project in the state of Washington.

33 (3) "Permit agency" means any state or local agency authorized by
34 law to issue permits.

35 (4) "Project" means any activity, the conduct of which requires a
36 permit or permits from one or more permit agencies.

1 (5) "Project applicant" means a citizen, business, or any entity
2 seeking a permit or permits in the state of Washington.

3 **Sec. 4.** RCW 43.42.040 and 2002 c 153 s 5 are each amended to read
4 as follows:

5 The office shall assist citizens, businesses, and project
6 applicants by maintaining and furnishing information, including, but
7 not limited to:

8 (1) To the extent possible, compiling and periodically updating one
9 or more handbooks containing lists and explanations of permit laws,
10 including all relevant local, state, federal, and tribal laws. In
11 providing this information, the office shall seek the cooperation of
12 relevant local, state, and federal agencies and tribal governments;

13 (2) Establishing and providing notice of a point of contact for
14 obtaining information;

15 (3) Working closely and cooperatively with the business license
16 center in providing efficient and nonduplicative service;

17 (4) Collecting and making available information regarding federal,
18 state, local, and tribal government programs that rely on private
19 professional expertise to assist agencies in project permit review; and

20 (5) Developing a call center and a web site. The office shall
21 coordinate among state agencies to develop an office web site that is
22 linked through the office of the governor's web site and that contains
23 information regarding regulatory requirements for businesses and
24 citizens in Washington state. At a minimum, the web site shall provide
25 information or links to information on:

26 (a) Federal, state, and local rule-making processes and permit
27 requirements applicable to Washington businesses and citizens;

28 (b) Federal, state, and local licenses, permits, and approvals
29 necessary to start and operate a business or develop real property in
30 Washington;

31 (c) State and local building codes;

32 (d) Federal, state, and local economic development programs that
33 may be available to businesses in Washington; and

34 (e) State and local agencies regulating or providing assistance to
35 citizens and businesses operating a business or developing real
36 property in Washington.

1 **Sec. 5.** RCW 43.131.401 and 2002 c 153 s 13 are each amended to
2 read as follows:

3 The office of (~~permit~~) regulatory assistance established in RCW
4 43.42.010 and its powers and duties shall be terminated June 30, 2007,
5 as provided in RCW 43.131.402.

6 **Sec. 6.** RCW 43.131.402 and 2002 c 153 s 14 are each amended to
7 read as follows:

8 The following acts or parts of acts, as now existing or hereafter
9 amended, are each repealed, effective June 30, 2008:

- 10 (1) RCW 43.42.005 and section 1 of this act & 2002 c 153 s 1;
- 11 (2) RCW 43.42.010 and section 2 of this act & 2002 c 153 s 2;
- 12 (3) RCW 43.42.020 and 2002 c 153 s 3;
- 13 (4) RCW 43.42.030 and section 3 of this act & 2002 c 153 s 4;
- 14 (5) RCW 43.42.040 and section 4 of this act & 2002 c 153 s 5;
- 15 (6) RCW 43.42.050 and 2002 c 153 s 6;
- 16 (7) RCW 43.42.060 and 2002 c 153 s 7;
- 17 (8) RCW 43.42.070 and 2002 c 153 s 8;
- 18 (9) (~~Section 9 of this act;~~
- 19 ~~(10)~~) RCW 43.42.905 and 2002 c 153 s 10;
- 20 (~~(11)~~) (10) RCW 43.42.900 and 2002 c 153 s 11; and
- 21 (~~(12)~~) (11) RCW 43.42.901 and 2002 c 153 s 12.

22 NEW SECTION. **Sec. 7.** Section 2 of this act is necessary for the
23 immediate preservation of the public peace, health, or safety, or
24 support of the state government and its existing public institutions,
25 and takes effect immediately.

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