
SENATE BILL 6217

State of Washington

58th Legislature

2004 Regular Session

By Senators Swecker, Prentice, Doumit, Berkey, Morton, Rasmussen, Hale, Jacobsen, Hargrove, Regala, Finkbeiner, T. Sheldon, Horn, Esser, Oke and Haugen

Read first time 01/14/2004. Referred to Committee on Natural Resources, Energy & Water.

1 AN ACT Relating to regulatory improvement; adding a new chapter to
2 Title 43 RCW; and creating a new section.

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

4 NEW SECTION. **Sec. 1.** The legislature finds that the protection of
5 Washington's natural resources and environment is a vital interest of
6 the state, and that providing a high quality of life for the citizens
7 of the state requires both a healthy environment and a strong economy.
8 The legislature further finds that the federal, state, and local
9 permitting systems that have been established for the protection of the
10 environment are extremely time consuming, and may conflict, be
11 inconsistently applied, or duplicative, yet may not yield positive
12 environmental outcomes or adequately involve the public.

13 It is therefore the intent of the legislature to create a public-
14 private partnership dedicated to improving the state's competitiveness
15 by developing new approaches to environmental permitting.

16 NEW SECTION. **Sec. 2.** The Washington regulatory improvement center
17 is created to be a collaborative effort between private industry, the
18 state's universities, and government. The center must be headquartered

1 at a state university. The mission of the regulatory improvement
2 center is to improve the state's economic competitiveness and
3 environmental outcomes by revising and streamlining environmental
4 permitting processes. The regulatory improvement center shall:

5 (1) Develop single or multiagency programmatic permits for routine
6 or industry-specific activities, with cooperation from representatives
7 of affected industries, state, federal, and local agencies, and the
8 public. Programmatic permits may be implemented through agency policy
9 changes or recommendations to the legislature for statutory changes.

10 (2) Provide assistance for large-scale development projects by
11 facilitating a multiagency permit team, including federal, state, and
12 local agencies as the project requires. The permit team would pursue
13 agreement on environmental standards, permit requirements, best
14 management practices, and mitigation requirements early in the project
15 planning process.

16 (3) Develop guidance for facilitating watershed-based environmental
17 mitigation. This should include methods for collating and accessing
18 watershed data; methods to identify and prioritize mitigation
19 opportunities; and methods to implement watershed-based mitigation
20 through local, state, and federal permitting systems. This guidance
21 could be used by any watershed group in prioritizing projects that
22 could be completed by the watershed group itself, or as mitigation for
23 development projects.

24 (4) Provide education and assistance to local governments, permit
25 applicants, and agency permit writers on a new way of doing business in
26 environmental permitting.

27 (5) Develop information systems to facilitate timely review of
28 development projects and public access to project information from
29 anywhere in the state.

30 (6) Identify opportunities in the environmental permitting process
31 to improve the value of public involvement and participation and
32 improve environmental outcomes.

33 NEW SECTION. **Sec. 3.** (1) The Washington regulatory improvement
34 center is administered by the board of directors to consist of the
35 following members:

36 (a) Two members of the senate, one from each of the two largest
37 caucuses, appointed by the president of the senate;

1 (b) Two members of the house of representatives, one from each of
2 the two largest caucuses, appointed by the speaker of the house of
3 representatives;

4 (c) The director or director's designee of the department of
5 ecology;

6 (d) The director or director's designee of the department of fish
7 and wildlife;

8 (e) The commissioner or commissioner's designee of the department
9 of natural resources;

10 (f) The director or director's designee of the department of
11 transportation;

12 (g) A representative of the association of Washington cities,
13 appointed by the governor;

14 (h) A representative of the Washington state association of
15 counties, appointed by the governor;

16 (i) Two representatives of environmental interests, appointed by
17 the governor; and

18 (j) Two representatives of the business community, appointed by the
19 governor from nominees proposed by the association of Washington
20 business, the building industry association of Washington, and the
21 association of general contractors.

22 (2) Representatives of federal permitting agencies and tribes must
23 be invited to participate as nonvoting members of the board. The
24 executive director of the regulatory improvement center must be an ex
25 officio, nonvoting member of the board. The board must meet at least
26 quarterly. The governor shall stagger the terms of the first group of
27 appointees to ensure the long-term continuity of the regulatory
28 improvement center. After the initial appointments, the board members
29 shall serve three-year terms.

30 (3) The duties of the board include:

31 (a) Developing the general operating policies for the regulatory
32 improvement center;

33 (b) Appointing the executive director of the regulatory improvement
34 center;

35 (c) Approving the annual operating budget of the regulatory
36 improvement center. Funds to initiate the center and support the first
37 six years of operation, or as many years as are needed until private

1 funding sources are developed, will be provided from the state general
2 fund, subject to appropriation;

3 (d) Soliciting nonstate support for the regulatory improvement
4 center, with the goal of phasing out state support for the center as
5 private funds are secured;

6 (e) Establishing priorities for the selection of projects to be
7 initiated by the regulatory improvement center;

8 (f) Approving contracts and interagency agreements for companies
9 seeking assistance with major development projects;

10 (g) Developing a biennial work plan and five-year strategic plan
11 for the regulatory improvement center to accomplish the duties set out
12 in section 2 of this act; and

13 (h) Preparing an annual report to the governor and the legislature
14 that summarizes the regulatory improvement center's activities.

15 (4) The board may appoint one or more advisory committees to assist
16 with the duties set out in section 1 of this act.

17 NEW SECTION. **Sec. 4.** A state university must provide the staff
18 and facilities required to support the operation of the regulatory
19 improvement center.

20 NEW SECTION. **Sec. 5.** On the effective date of this section, the
21 duties and responsibilities of the office of regulatory assistance
22 established in chapter 43.42 RCW are transferred to the Washington
23 regulatory improvement center.

24 NEW SECTION. **Sec. 6.** The role of the Washington regulatory
25 improvement center is solely that of research, coordination, and
26 development of recommendations for system improvements. Nothing in
27 this chapter may be construed to diminish the functions, powers, or
28 duties granted to any permit agency by law. Nothing in this chapter
29 grants the Washington regulatory improvement center the authority to
30 issue, condition, or deny any permit.

31 NEW SECTION. **Sec. 7.** The cooperation and assistance of local,
32 state, and federal agencies is critical to the success of the
33 Washington regulatory improvement center. State permit agencies must
34 prioritize the work of the Washington regulatory improvement center,

1 and the legislature anticipates that recommendations of the regulatory
2 improvement center will be developed in coordination with federal,
3 state, and local permitting agencies, and that the recommendations will
4 be implemented by federal, state, and local agencies wherever possible.

5 NEW SECTION. **Sec. 8.** Sections 1 through 7 of this act constitute
6 a new chapter in Title 43 RCW.

7 NEW SECTION. **Sec. 9.** (1) The office of regulatory assistance is
8 hereby abolished and its powers, duties, and functions are hereby
9 transferred to the Washington regulatory improvement center. All
10 references to the director or the office of regulatory assistance in
11 the Revised Code of Washington shall be construed to mean the director
12 or the Washington regulatory improvement center.

13 (2)(a) All reports, documents, surveys, books, records, files,
14 papers, or written material in the possession of the office of
15 regulatory assistance shall be delivered to the custody of the
16 Washington regulatory improvement center. All cabinets, furniture,
17 office equipment, motor vehicles, and other tangible property employed
18 by the office of regulatory assistance shall be made available to the
19 Washington regulatory improvement center. All funds, credits, or other
20 assets held by the office of regulatory assistance shall be assigned to
21 the Washington regulatory improvement center.

22 (b) Any appropriations made to the office of regulatory assistance
23 shall, on the effective date of this section, be transferred and
24 credited to the Washington regulatory improvement center.

25 (c) If any question arises as to the transfer of any funds, books,
26 documents, records, papers, files, equipment, or other tangible
27 property used or held in the exercise of the powers and the performance
28 of the duties and functions transferred, the director of financial
29 management shall make a determination as to the proper allocation and
30 certify the same to the state agencies concerned.

31 (3) All rules and all pending business before the office of
32 regulatory assistance shall be continued and acted upon by the
33 Washington regulatory improvement center. All existing contracts and
34 obligations shall remain in full force and shall be performed by the
35 Washington regulatory improvement center.

1 (4) The transfer of the powers, duties, and functions of the office
2 of regulatory assistance shall not affect the validity of any act
3 performed before the effective date of this section.

4 (5) If apportionments of budgeted funds are required because of the
5 transfers directed by this section, the director of financial
6 management shall certify the apportionments to the agencies affected,
7 the state auditor, and the state treasurer. Each of these shall make
8 the appropriate transfer and adjustments in funds and appropriation
9 accounts and equipment records in accordance with the certification.

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