

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 5761

58th Legislature
2003 Regular Session

Passed by the Senate March 11, 2003
YEAS 48 NAYS 0

President of the Senate

Passed by the House April 9, 2003
YEAS 96 NAYS 0

Speaker of the House of Representatives

Approved

Governor of the State of Washington

CERTIFICATE

I, Milton H. Doumit, Jr.,
Secretary of the Senate of the
State of Washington, do hereby
certify that the attached is
SUBSTITUTE SENATE BILL 5761 as
passed by the Senate and the House
of Representatives on the dates
hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5761

Passed Legislature - 2003 Regular Session

State of Washington 58th Legislature 2003 Regular Session

By Senate Committee on Economic Development (originally sponsored by Senators T. Sheldon and Shin)

READ FIRST TIME 02/27/03.

1 AN ACT Relating to industrial projects of statewide significance;
2 and amending RCW 43.157.010, 43.157.020, 43.157.030, 43.42.050, and
3 43.42.060.

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

5 **Sec. 1.** RCW 43.157.010 and 1997 c 369 s 2 are each amended to read
6 as follows:

7 (1) For purposes of this chapter and RCW 28A.525.166, 28B.80.330,
8 28C.18.080, 43.21A.350, 47.06.030, and 90.58.100 and (~~{an}~~) an
9 industrial project of statewide significance is a border crossing
10 project that involves both private and public investments carried out
11 in conjunction with adjacent states or provinces or a private
12 industrial development with private capital investment in manufacturing
13 or research and development. To qualify as an industrial project of
14 statewide significance(~~(τ)~~): (a) The project must be completed after
15 January 1, 1997(~~(τ)~~); (b) the applicant must submit an application for
16 designation as an industrial project of statewide significance to the
17 department of community, trade, and economic development; and (c) the
18 project must have:

1 ~~((a))~~ (i) In counties with a population of less than or equal to
2 twenty thousand, a capital investment of twenty million dollars;
3 ~~((b))~~ (ii) In counties with a population of greater than twenty
4 thousand but no more than fifty thousand, a capital investment of fifty
5 million dollars;
6 ~~((c))~~ (iii) In counties with a population of greater than fifty
7 thousand but no more than one hundred thousand, a capital investment of
8 one hundred million dollars;
9 ~~((d))~~ (iv) In counties with a population of greater than one
10 hundred thousand but no more than two hundred thousand, a capital
11 investment of two hundred million dollars;
12 ~~((e))~~ (v) In counties with a population of greater than two
13 hundred thousand but no more than four hundred thousand, a capital
14 investment of four hundred million dollars;
15 ~~((f))~~ (vi) In counties with a population of greater than four
16 hundred thousand but no more than one million, a capital investment of
17 six hundred million dollars;
18 ~~((g))~~ (vii) In counties with a population of greater than one
19 million, a capital investment of one billion dollars; ~~((e)~~
20 ~~(h))~~ (viii) In counties with fewer than one hundred persons per
21 square mile as determined annually by the office of financial
22 management and published by the department of revenue effective for the
23 period July 1st through June 30th, projected full-time employment
24 positions after completion of construction of fifty or greater;
25 (ix) In counties with one hundred or more persons per square mile
26 as determined annually by the office of financial management and
27 published by the department of revenue effective for the period July
28 1st through June 30th, projected full-time employment positions after
29 completion of construction of one hundred or greater; or
30 (x) Been designated by the director of community, trade, and
31 economic development as an industrial project of statewide significance
32 either: ~~((i))~~ (A) Because the county in which the project is to be
33 located is a distressed county and the economic circumstances of the
34 county merit the additional assistance such designation will bring; or
35 ~~((ii))~~ (B) because the impact on a region due to the size and
36 complexity of the project merits such designation.
37 (2) The term manufacturing shall have the meaning assigned it in
38 RCW 82.61.010.

1 (3) The term research and development shall have the meaning
2 assigned it in RCW 82.61.010.

3 (4) The term applicant means a person applying to the department of
4 community, trade, and economic development for designation of a
5 development project as an industrial project of statewide significance.

6 **Sec. 2.** RCW 43.157.020 and 1997 c 369 s 3 are each amended to read
7 as follows:

8 ~~Counties and cities ((planning under the planning enabling act,~~
9 ~~chapter 36.70 RCW, or the requirements of the growth management act,~~
10 ~~chapter 36.70A RCW, shall include a process, to be followed at their~~
11 ~~discretion for any specific project,)) with projects designated as~~
12 industrial projects of statewide significance within their
13 jurisdictions shall enter into an agreement with the office of permit
14 assistance and the project managers of industrial projects of statewide
15 significance for expediting the completion of industrial projects of
16 statewide significance. The agreement shall require:

17 (1) Expedited permit processing for the design and construction of
18 the project;

19 (2) Expedited environmental review processing;

20 (3) Expedited processing of requests for street, right of way, or
21 easement vacations necessary for the construction of the project; and

22 (4) Such other items as are deemed necessary by the office of
23 permit assistance for the design and construction of the project.

24 **Sec. 3.** RCW 43.157.030 and 1997 c 369 s 4 are each amended to read
25 as follows:

26 (1) The department of community, trade, and economic development
27 shall:

28 (a) Develop an application for designation of development projects
29 as industrial projects of statewide significance. The application must
30 be accompanied by a letter of approval from the legislative authority
31 of any jurisdiction that will have the proposed industrial project of
32 statewide significance within its boundaries. No designation of a
33 project as an industrial project of statewide significance shall be
34 made without such letter of approval. The letter of approval must
35 state that the jurisdiction joins in the request for the designation of
36 the project as one of statewide significance and has or will hire the

1 professional staff that will be required to expedite the processes
2 necessary to the completion of an industrial project of statewide
3 significance. The application shall contain information regarding the
4 location of the project, the applicant's average employment in the
5 state for the prior year, estimated new employment related to the
6 project, estimated wages of employees related to the project, estimated
7 time schedules for completion and operation, and other information
8 required by the department; and

9 (b) Certify that the project meets or will meet the requirements of
10 RCW 43.157.010 regarding designation as an industrial project of
11 statewide significance.

12 (2) The office of permit assistance shall assign ((an ombudsman))
13 a project facilitator or coordinator to each industrial project of
14 statewide significance((. The ombudsman shall be responsible for
15 assembling)) to: (a) Assist in the scoping and coordinating functions
16 provided for in chapter 43.42 RCW; (b) assemble a team of state and
17 local government and private officials to help meet the planning,
18 permitting, and development needs of each project((. The ombudsman
19 shall strive to include in the teams)), which team shall include those
20 responsible for planning, permitting and licensing, infrastructure
21 development, work force development services including higher
22 education, transportation services, and the provision of utilities((-
23 The ombudsman shall encourage)); and (c) work with each team member to
24 expedite their actions in furtherance of the project.

25 **Sec. 4.** RCW 43.42.050 and 2002 c 153 s 6 are each amended to read
26 as follows:

27 At the request of a project applicant, the office shall assist the
28 project applicant in determining what regulatory requirements,
29 processes, and permits apply to the project, as provided in this
30 section.

31 (1) The office shall assign a project facilitator who shall discuss
32 applicable regulatory requirements, permits, and processes with the
33 project applicant and explain the available options for obtaining
34 required permits.

35 (2) If the project applicant and the project facilitator agree that
36 the project would benefit from a project scoping, or if the project is
37 an industrial project of statewide significance, as defined in RCW

1 43.157.010, the project facilitator shall conduct a project scoping by
2 the project applicant and the relevant state and local permit agencies.
3 The project facilitator shall invite the participation of the relevant
4 federal permit agencies and tribal governments.

5 (a) The purpose of the project scoping is to identify the issues
6 and information needs of the project applicant and the participating
7 permit agencies regarding the project, share perspectives, and jointly
8 develop a strategy for the processing of required permits by each
9 participating permit agency.

10 (b) The scoping shall address:

11 (i) The permits that are required for the project;

12 (ii) The permit application forms and other application
13 requirements of the participating permit agencies;

14 (iii) The specific information needs and issues of concern of each
15 participant and their significance;

16 (iv) Any statutory or regulatory conflicts that might arise from
17 the differing authorities and roles of the permit agencies;

18 (v) Any natural resources, including federal or state listed
19 species, that might be adversely affected by the project and might
20 cause an alteration of the project or require mitigation; and

21 (vi) The anticipated time required for permit decisions by each
22 participating permit agency, including the time required to determine
23 if the permit application is complete, to conduct environmental review,
24 and to review and process the application. In determining the time
25 required, full consideration must be given to achieving the greatest
26 possible efficiencies through any concurrent studies and any
27 consolidated applications, hearings, and comment periods.

28 (c) The outcome of the project scoping shall be documented in
29 writing, furnished to the project applicant, and be made available to
30 the public.

31 (d) The project scoping shall be completed within sixty days of the
32 project applicant's request for a project scoping.

33 (e) Upon completion of the project scoping, the participating
34 permit agencies shall proceed under their respective authority. The
35 agencies are encouraged to remain in communication for purposes of
36 coordination until their final permit decisions are made.

37 (3) This section does not create an independent cause of action,

1 affect any existing cause of action, or establish time limits for
2 purposes of RCW 64.40.020.

3 **Sec. 5.** RCW 43.42.060 and 2002 c 153 s 7 are each amended to read
4 as follows:

5 (1) The office may coordinate the processing by participating
6 permit agencies of permits required for a project, at the request of
7 the project applicant through a cost reimbursement agreement as
8 provided in subsection (3) of this section or with the agreement of the
9 project applicant as provided in subsection (4) of this section.

10 (2) The office shall assign a project coordinator to perform any or
11 all of the following functions, as specified by the terms of a cost
12 reimbursement agreement under subsection (3) of this section or an
13 agreement under subsection (4) of this section:

14 (a) Serve as the main point of contact for the project applicant;

15 (b) Conduct a project scoping as provided in RCW 43.42.050(2);

16 (c) Verify that the project applicant has all the information
17 needed to complete applications;

18 (d) Coordinate the permit processes of the permit agencies;

19 (e) Manage the applicable administrative procedures;

20 (f) Work to assure that timely permit decisions are made by the
21 permit agencies and maintain contact with the project applicant and the
22 permit agencies to ensure adherence to schedules;

23 (g) Assist in resolving any conflict or inconsistency among permit
24 requirements and conditions; and

25 (h) Coordinate with relevant federal permit agencies and tribal
26 governments to the extent possible.

27 (3) At the request of a project applicant and as provided in RCW
28 43.42.070, the project coordinator shall coordinate negotiations among
29 the project applicant, the office, and participating permit agencies to
30 enter into a cost reimbursement agreement and shall coordinate
31 implementation of the agreement, which shall govern coordination of
32 permit processing by the participating permit agencies.

33 (4) (~~The office may determine~~) For industrial projects of
34 statewide significance or if the office determines that it is in the
35 public interest to coordinate the processing of permits for certain
36 projects that are complex in scope, require multiple permits, involve
37 multiple jurisdictions, or involve a significant number of affected

1 parties(~~(. Upon such a determination, the office may)~~), the office
2 shall, upon the applicant's request, enter into an agreement with the
3 project applicant and the participating permit agencies to coordinate
4 the processing of permits for the project. The office may limit the
5 number of such agreements according to the resources available to the
6 office and the permit agencies at the time.

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