

SENATE BILL REPORT

SB 5122

As Reported By Senate Committee On:
Government Operations & Elections, January 29, 2007
Ways & Means, February 21, 2007

Title: An act relating to preserving the current regulatory assistance program with cost reimbursement changes.

Brief Description: Preserving regulatory assistance provisions.

Sponsors: Senators Rockefeller and Swecker; by request of Office of Financial Management.

Brief History:

Committee Activity: Government Operations & Elections: 1/22/07, 1/29/07 [DPS].
Ways & Means: 2/6/07, 2/21/07 [DP2S].

SENATE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

Majority Report: That Substitute Senate Bill No. 5122 be substituted therefor, and the substitute bill do pass.

Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach, Ranking Minority Member; Kline, Pridemore and Swecker.

Staff: Sharon Swanson (786-7447)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: That Second Substitute Senate Bill No. 5122 be substituted therefor, and the second substitute bill do pass.

Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Zarelli, Ranking Minority Member; Brandland, Carrell, Fairley, Hatfield, Hewitt, Hobbs, Honeyford, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler and Tom.

Staff: Steve Jones (786-7440)

Background: The Washington State Office of Regulatory Assistance (ORA) was created in the Office of Financial Management in 2003 as an expansion of the Office of Permit Assistance. ORA helps answer permitting questions and provides access to information about state regulations. In addition, ORA assists with coordinating between the layers of state, local, and federal permit review.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

ORA has two primary ways it delivers its services: a regulatory help desk assisting approximately 2,000 callers per year, and case managers located in regional offices who facilitate, coordinate, and help resolve disputes that can arise in permitting.

ORA is scheduled to terminate in 2007, pursuant to the Washington Sunset Act. As required by legislation, the Joint Legislative Audit and Review Committee (JLARC) conducted a sunset review to assist policymakers with deciding whether ORA should be continued, modified, or terminated.

After completing their review, JLARC recommends that the Legislature repeal the existing sunset date and consider establishing a future sunset date and review. Additionally, JLARC recommends that ORA develop and implement a plan to demonstrate performance outcomes for the customers it serves and report to the Legislature on its performance and compliance with statutory duties.

Summary of Bill: The existing sunset date of June 30, 2008, is repealed and a new sunset date of June 30, 2012, is established.

An additional reporting requirement regarding negotiation and implementation of voluntary cost reimbursement agreements is added to existing reporting requirements. The first report is due on June 1, 2008, and biennially thereafter.

The term "applicant" is replaced with "proponent" making no substantive change.

ORA must ensure the equitable delivery and provision of assistance services, regardless of project type, scale, fund source, or assistance request.

The prohibition on new cost reimbursement agreements taking effect on July 1, 2007, is removed.

JLARC must, by July 1, 2008, provide a status report to the Governor and appropriate committees of the Legislature on the compliance of ORA with the sunset review proposed final report dated January 4, 2007.

EFFECT OF CHANGES MADE BY RECOMMENDED SUBSTITUTE AS PASSED COMMITTEE (Government Operations & Elections): The term applicant is replaced with the term proponent, a technical amendment making no substantive change.

EFFECT OF CHANGES MADE BY RECOMMENDED SECOND SUBSTITUTE AS PASSED COMMITTEE (Ways & Means): Technical changes are made referring to project applicants. No substantive changes are made.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: The bill has multiple effective dates.

Staff Summary of Public Testimony: PRO: The feedback from the public regarding the efficiency and usefulness of ORA has been very positive. ORA has been an excellent

resource for the public. The permitting process in Washington can be very time consuming, expensive, and frustrating. ORA is able to provide direction and assistance which allows the permitting process to be expedited and beneficial to all parties involved. ORA provides accountability for agencies that otherwise might not be so responsive. Successful coordination of multiple agencies is a team effort and extending the sunset for ORA is a step in the right direction. The Governor's budget request includes a funding enhancement for three regional service agents to help the general public in the permitting process. The Department of Ecology receives funding for its role in the permit integration process through cost reimbursements and an interagency reimbursement agreement with ORA.

Persons Testifying: PRO: Senator Rockefeller, prime sponsor; Chris McCabe, Association of Washington Business; Faith Lumsden, Office of Regulatory Assistance; Jerry Smedes, Northwest Environmental Business Council; Greg Hueckel, Washington Department of Fish and Wildlife; Todd Ellis, Imperium Renewable; Jon Boyce, Anchor Environmental; Scott Boettcher, Department of Ecology.