

SENATE BILL REPORT

ESB 5508

As Amended by House, April 10, 2007

Title: An act relating to economic development project permitting.

Brief Description: Providing for economic development project permitting.

Sponsors: Senators Kilmer, Zarelli, Hatfield, Schoesler, Holmquist, Kastama, Tom, Sheldon, Shin and Rasmussen.

Brief History:

Committee Activity: Economic Development, Trade & Management: 2/02/07 [DP].
Passed Senate: 3/01/07, 47-0.

SENATE COMMITTEE ON ECONOMIC DEVELOPMENT, TRADE & MANAGEMENT

Majority Report: Do pass.

Signed by Senators Kastama, Chair; Kilmer, Vice Chair; Clements, Kauffman and Shin.

Staff: Jack Brummel (786-7428)

Background: Uncertainty in permit activity is undesirable and erodes confidence in government. The Office of Regulatory Assistance (ORA), in the Office of Financial Management, was created to provide citizens with information on regulations, permit requirements, and rule-making processes in the state. ORA is required to operate on the principle that state citizens should receive a date and time for a decision on a permit, the information required to make a decision on a permit, and an estimate of the maximum amount of costs in fees, studies, or public processes that will be incurred by the applicant.

The duties of the ORA include providing information, project facilitation, coordination of agency permit processing, and working to develop informal processes for dispute resolution between agencies and project applicants. ORA is to give priority to furnishing assistance to small projects with its general fund allocations.

Summary of Engrossed Bill: The Legislature recommends that permit applicants receive information from city, county, or state agencies on the time an agency will need to make a permit decision and the minimum amount of information required for a decision. Applicants should also receive information on when an application is complete, the expected fees, and, in writing, the reasons for denial of a permit. Permitting agencies are encouraged to report annually on success in providing this information.

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.

When a local government applies for Public Works Board (PWB) funding, Community Economic Revitalization Board (CERB) funding, Local Infrastructure Financing Tool (LIFT) funding, or Job Development Fund (JDF) Program funding, the criteria to be considered will include whether the local government applicant has a good record of providing information to those applying for development permits.

ORA is to help local jurisdiction by providing information about best practices in complying with permit timeline requirements and by providing technical assistance in reducing the turnaround time between submittal and issuance of a development permit. The termination date for the ORA is extended to June 30, 2011.

Appropriation: \$45,000 for fiscal year 2008.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: The bill is structured to give encouragement to provide transparency in permitting. It would be good to share ORA's expertise with local agencies. This is an attempt to provide a carrot to improve performance. ORA can work with jurisdictions and associations with the funding available in the bill. It would be good to watch for unintended consequences. It is good to see permitting activity linked to infrastructure programs.

Persons Testifying: PRO: Amy Brackenbury, Daimon Doyle, Building Industry Association of Washington; Ashley Probart, Association of Washington Cities; Faith Lumsden, Office of Regulatory Assistance; Eric Johnson, Washington State Association of Counties; Amber Carter, Association of Washington Business; Carolyn Logue, National Federation of Independent Businesses.

House Amendment(s): The criteria to be considered when a local government applies for PWB, CERB, and JDF funding will include whether the applicant has developed and adhered to guidelines regarding its permitting process for those applying for development permits.

The section of the bill relating to LIFT is removed.

The appropriation is removed.