

SENATE BILL REPORT

SB 5748

As Reported by Senate Committee On:
Economic Development, Trade & Innovation, February 12, 2009

Title: An act relating to the office of regulatory assistance.

Brief Description: Regarding the office of regulatory assistance.

Sponsors: Senators Eide, Morton, Berkey, Sheldon, Marr, Delvin, Kilmer and Shin.

Brief History:

Committee Activity: Economic Development, Trade & Innovation: 2/05/09, 2/12/09 [DPS, w/oRec].

SENATE COMMITTEE ON ECONOMIC DEVELOPMENT, TRADE & INNOVATION

Majority Report: That Substitute Senate Bill No. 5748 be substituted therefor, and the substitute bill do pass.

Signed by Senators Kastama, Chair; Shin, Vice Chair; Delvin, Eide and Kilmer.

Minority Report: That it be referred without recommendation.

Signed by Senator Zarelli, Ranking Minority Member.

Staff: Jack Brummel (786-7428)

Background: The Washington State Office of Regulatory Assistance (ORA) was created in the Office of Financial Management in 2003. 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.

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.

Summary of Bill (Recommended Substitute): The Governor is to appoint a director of the ORA. The ORA has a goal of providing citizens and businesses with information on (1) the average turnaround times for permits and other regulatory decisions; (2) an estimate of the number of times projects have been asked for supplemental information; and (3) maximum costs, types of studies, and the timing of public processes expected.

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.

The ORA is to provide a variety of services, including acting as the central point of contact and coordination, conducting project scoping, and assisting in conflict resolution. The ORA is to assist local jurisdictions with their local project review requirements, report biennially on performance, and provide biennial recommendations on system improvements.

Project proponents may request designation as a fully-coordinated project. Such designation requires either entering into a cost-reimbursement agreement; designation as an industrial project of statewide significance; or a determination by the director that the project is complex, it would provide substantial benefit to the state, and sufficient resources exist to undertake the full coordination process without reimbursement. For fully-coordinated projects, the ORA is to serve as the main point of contact for the project proponent and participating agencies with regard to the permit process for the project as a whole, and the ORA will be responsible for scheduling, and generally facilitating the permit process.

The ORA may enter into cost-reimbursement agreements with project proponents. Cost-reimbursement agreements for the ORA, the departments of Ecology, Natural Resources, Health, Fish & Wildlife, and air pollution control agencies must include a schedule with tasks and costs for the work to be conducted. Such agreements must not negatively impact other permit applications and anyone hired to ensure permit processing capacity are agents of the state and not the permit applicant.

The ORA statute is not to be construed to limit or abridge the powers and duties of a participating permit agency and the ORA may not substitute its judgment for that of the agency on nonprocedural matters.

EFFECT OF CHANGES MADE BY ECONOMIC DEVELOPMENT, TRADE & INNOVATION COMMITTEE (Recommended Substitute): Technical changes were made for clarity.

Appropriation: None.

Fiscal Note: Requested on February 4, 2009.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony on Original Bill: PRO: This will provide a one-stop shop for coordination and make permitting easier. This will expedite projects coming up by helping people look at the big picture. This lays out project management work and will make the agencies' jobs easier. This will enhance the development of new electronic tools.

Persons Testifying: PRO: Senator Eide, prime sponsor; Faith Lumsden, ORA; Peter Birch, Department of Fish and Wildlife.