
State Government Committee

HB 1007

Brief Description: Establishing a permitting bill of rights.

Sponsors: Representatives Morris, Linville, Conway, Sullivan and Upthegrove.

Brief Summary of Bill

- Creating the permitting bill of rights.

Hearing Date: 1/21/03

Staff: Anne Warwick (786-7291).

Background:

The Permit Assistance Center was created in 1995 in the Department of Ecology to provide the public information regarding environmental permitting laws and assistance to businesses and public agencies in complying with these laws. In addition to other requirements, the Permit Assistance Center was directed to develop and provide a coordinated state permitting procedure that permit applicants could use at their option and expense and was authorized by statute to recover costs for this coordinated permit process.

In 2002 all funding, powers, duties, functions, and records of the Permit Assistance Center were transferred to the Office of Permit Assistance. The Office of Permit Assistance was created in the Office of Financial Management, to be administered by the Office of the Governor.

The Office of Permit Assistance is required to operate on the principle that state citizens should receive:

- a date and time for a decision on a permit;
- notification of information required to make a decision on a permit, recognizing that the information required may change; and
- an estimate of the maximum amount of costs in fees, studies, or public processes that will be incurred by the applicant.

Summary of Bill:

Citizens applying to the state for a permit or license have the right to know a specific date for a yes or no decision on approval, how much information will be required, and the exact maximum cost for the application process. Additionally, the citizen maintains the right to recover all costs, through civil process, and time lost in the permitting processes due to violations or abuse from within the permit authority.

The below table compares current statute with the bill.

RCW 43.42.020 "Operating Principle - Providing Information Regarding Permits"	HB 1007 "Permitting Bill of Rights"
A) A date and time for a decision on a permit;	A) Right to a specific date in time for a yes or no decision on permits;
B) The information required for an agency to make a decision on a permit, recognizing that changes in the project or other circumstances may change the information required; and	B) Right to a defined amount of information required to award permit by permitting authority before any applications for permits can be accepted;
C) An estimate of the maximum amount of costs in fees, studies, or public processes that will be incurred by the project applicant.	C) Right to know the exact maximum amount of costs in fees, studies, or public processes that will be incurred by the permit applicant; and
	D) Right to recover all costs and time lost in permitting processes from permitting authorities for transgressions or violations or abuse in the rights set forth in this section, through civil process.

The bill applies to all laws or rules adopted after August 1, 2003, or all laws and rules changed or amended after August 1, 2003.

Appropriation: None.

Fiscal Note: Requested on January 14, 2003.

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