

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1550

Chapter 71, Laws of 2003

58th Legislature
2003 Regular Session

OFFICE OF REGULATORY ASSISTANCE

EFFECTIVE DATE: 7/27/03 - Except section 2, which becomes effective April 18, 2003.

Passed by the House February 19, 2003
Yeas 96 Nays 0

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate April 10, 2003
Yeas 46 Nays 0

BRAD OWEN

President of the Senate

Approved April 18, 2003.

GARY LOCKE

Governor of the State of Washington

CERTIFICATE

I, Cynthia Zehnder, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1550** as passed by the House of Representatives and the Senate on the dates hereon set forth.

CYNTHIA ZEHNDER

Chief Clerk

FILED

April 18, 2003 - 3:48 p.m.

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1550

Passed Legislature - 2003 Regular Session

State of Washington

58th Legislature

2003 Regular Session

By House Committee on State Government (originally sponsored by Representatives Linville, Armstrong, Haigh, Buck, Schual-Berke, McDermott and Conway)

READ FIRST TIME 02/18/03.

1 AN ACT Relating to ensuring that regulatory information and
2 assistance is available to Washington citizens through an office of
3 regulatory assistance; amending RCW 43.42.005, 43.42.010, 43.42.030,
4 43.42.040, 43.131.401, and 43.131.402; and declaring an emergency.

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

6 **Sec. 1.** RCW 43.42.005 and 2002 c 153 s 1 are each amended to read
7 as follows:

8 (1) The legislature finds that the health and safety of its
9 citizens, natural resources, and the environment are vital interests of
10 the state that must be protected to preserve the state's quality of
11 life. The legislature also finds that the state's economic well-being
12 is a vital interest that depends upon the development of fair,
13 coordinated (~~environmental-permitting~~) regulatory processes that
14 ensure that the state not only protects public health and safety and
15 natural resources but also encourages appropriate activities that
16 stimulate growth and development. The legislature further finds that
17 Washington's (~~environmental-protection~~) regulatory programs have
18 established strict standards to (~~reduce-pollution-and~~) protect public
19 health and safety and the environment.

1 (2) The legislature also finds that, as the number of environmental
2 and land use laws have grown in Washington, so have the number of
3 permits required of business and government. The increasing number of
4 individual permits and permit agencies has generated the potential for
5 conflict, overlap, and duplication among various state, local, and
6 federal permits. Lack of coordination in the processing of project
7 applications may cause costly delays and frustration to applicants.

8 (3) The legislature further finds that not all project applicants
9 require the same type of assistance. Applicants with small projects
10 may merely need information about local and state permits and
11 assistance in applying for those permits, while intermediate-sized
12 projects may require a facilitated permit process, and large complex
13 projects may need extensive coordination among local, state, and
14 federal agencies and tribal governments.

15 (4) The legislature further finds that persons doing business in
16 Washington state should have access to clear and appropriate
17 information regarding state regulations, permit requirements, and
18 agency rule-making processes.

19 (5) The legislature, therefore, finds that a range of assistance
20 and coordination options should be available to project applicants from
21 a state office independent of any local, state, or federal permit
22 agency. The legislature finds that citizens, businesses, and project
23 applicants should be provided with:

24 (a) A reliable and consolidated source of information concerning
25 federal, state, and local environmental and land use laws and
26 procedures that may apply to any given project;

27 (b) Facilitated interagency forums for discussion of significant
28 issues related to the multiple permitting processes if needed for some
29 project applicants; and

30 (c) Active coordination of all applicable regulatory and land use
31 permitting procedures if needed for some project applicants.

32 ((+5+)) (6) The legislature declares that the purpose of this
33 chapter is to transfer the existing permit assistance center in the
34 department of ecology to a new office of permit assistance in the
35 office of financial management to:

36 (a) Assure that citizens, businesses, and project applicants will
37 continue to be provided with vital information regarding environmental

1 and land use laws and with assistance in complying with environmental
2 and land use laws to promote understanding of these laws and to protect
3 public health and safety and the environment;

4 (b) Ensure that facilitation of project permit decisions by permit
5 agencies promotes both process efficiency and environmental protection;

6 (c) Allow for coordination of permit processing for large projects
7 upon project applicants' request and at project applicants' expense to
8 promote efficiency, ensure certainty, and avoid conflicts among permit
9 agencies; and

10 (d) Provide these services through an office independent of any
11 permit agency to ensure that any potential or perceived conflicts of
12 interest related to providing these services or making permit decisions
13 can be avoided.

14 ~~((+6+))~~ (7) The legislature also declares that the purpose of this
15 chapter is to provide citizens of the state with access to information
16 regarding state regulations, permit requirements, and agency rule-
17 making processes in Washington state.

18 (8) The legislature intends that establishing an office of
19 ~~((permit))~~ regulatory assistance will provide these services without
20 abrogating or limiting the authority of any permit agency to make
21 decisions on permits that it issues or any rule-making agency to make
22 decisions on regulations. The legislature therefore declares that the
23 office of ~~((permit))~~ regulatory assistance shall have authority to
24 provide these services but shall not have any authority to make
25 decisions on permits.

26 **Sec. 2.** RCW 43.42.010 and 2002 c 153 s 2 are each amended to read
27 as follows:

28 (1) The office of ~~((permit))~~ regulatory assistance is created in
29 the office of financial management and shall be administered by the
30 office of the governor to assist citizens, businesses, and project
31 applicants.

32 (2) The office shall:

33 (a) Maintain and furnish information as provided in RCW 43.42.040;

34 (b) Furnish facilitation as provided in RCW 43.42.050;

35 (c) Furnish coordination as provided in RCW 43.42.060;

36 (d) Coordinate cost reimbursement as provided in RCW 43.42.070;

1 (e) Work with state agencies and local governments to continue to
2 develop a range of permit assistance options for project applicants;

3 (f) Review initiatives developed by the transportation permit
4 efficiency and accountability committee established in chapter 47.06C
5 RCW and determine if any would be beneficial if implemented for other
6 types of projects;

7 (g) Work to develop informal processes for dispute resolution
8 between agencies and permit applicants;

9 (h) Conduct customer surveys to evaluate its effectiveness; and

10 (i) Provide the following biennial reports to the governor and the
11 appropriate committees of the legislature:

12 (i) A performance report, based on the customer surveys required in
13 (h) of this subsection;

14 (ii) A report on any statutory or regulatory conflicts identified
15 by the office in the course of its duties that arise from differing
16 legal authorities and roles of agencies and how these were resolved.
17 The report may include recommendations to the legislature and to
18 agencies; and

19 (iii) A report regarding use of outside independent consultants
20 under RCW 43.42.070, including the nature and amount of work performed
21 and implementation of requirements relating to costs.

22 (3) A director of the office shall be hired no later than June 1,
23 2003.

24 (4) The office shall give priority to furnishing assistance to
25 small projects when expending general fund moneys allocated to it.

26 **Sec. 3.** RCW 43.42.030 and 2002 c 153 s 4 are each amended to read
27 as follows:

28 The definitions in this section apply throughout this chapter
29 unless the context clearly requires otherwise.

30 (1) "Office" means the office of (~~permit~~) regulatory assistance
31 in the office of financial management established in RCW 43.42.010.

32 (2) "Permit" means any permit, certificate, use authorization, or
33 other form of governmental approval required in order to construct or
34 operate a project in the state of Washington.

35 (3) "Permit agency" means any state or local agency authorized by
36 law to issue permits.

1 (4) "Project" means any activity, the conduct of which requires a
2 permit or permits from one or more permit agencies.

3 (5) "Project applicant" means a citizen, business, or any entity
4 seeking a permit or permits in the state of Washington.

5 **Sec. 4.** RCW 43.42.040 and 2002 c 153 s 5 are each amended to read
6 as follows:

7 (1) The office shall assist citizens, businesses, and project
8 applicants by maintaining and furnishing information, including, but
9 not limited to:

10 ~~((1))~~ (a) To the extent possible, compiling and periodically
11 updating one or more handbooks containing lists and explanations of
12 permit laws, including all relevant local, state, federal, and tribal
13 laws. In providing this information, the office shall seek the
14 cooperation of relevant local, state, and federal agencies and tribal
15 governments;

16 ~~((2))~~ (b) Establishing and providing notice of a point of contact
17 for obtaining information;

18 ~~((3))~~ (c) Working closely and cooperatively with the business
19 license center in providing efficient and nonduplicative service;

20 ~~((4))~~ (d) Collecting and making available information regarding
21 federal, state, local, and tribal government programs that rely on
22 private professional expertise to assist agencies in project permit
23 review; and

24 ~~((5))~~ (e) Developing a call center and a web site.

25 (2) The office shall coordinate among state agencies to develop an
26 office web site that is linked through the office of the governor's web
27 site and that contains information regarding regulatory requirements
28 for businesses and citizens in Washington state. At a minimum, the web
29 site shall provide information or links to information on:

30 (a) Federal, state, and local rule-making processes and permit
31 requirements applicable to Washington businesses and citizens;

32 (b) Federal, state, and local licenses, permits, and approvals
33 necessary to start and operate a business or develop real property in
34 Washington;

35 (c) State and local building codes;

36 (d) Federal, state, and local economic development programs that
37 may be available to businesses in Washington; and

1 (e) State and local agencies regulating or providing assistance to
2 citizens and businesses operating a business or developing real
3 property in Washington.

4 (3) This section does not create an independent cause of action,
5 affect any existing cause of action, or create any new cause of action
6 regarding the application of regulatory or permit requirements.

7 **Sec. 5.** RCW 43.131.401 and 2002 c 153 s 13 are each amended to
8 read as follows:

9 The office of (~~permit~~) regulatory assistance established in RCW
10 43.42.010 and its powers and duties shall be terminated June 30, 2007,
11 as provided in RCW 43.131.402.

12 **Sec. 6.** RCW 43.131.402 and 2002 c 153 s 14 are each amended to
13 read as follows:

14 The following acts or parts of acts, as now existing or hereafter
15 amended, are each repealed, effective June 30, 2008:

16 (1) RCW 43.42.005 and section 1 of this act & 2002 c 153 s 1;

17 (2) RCW 43.42.010 and section 2 of this act & 2002 c 153 s 2;

18 (3) RCW 43.42.020 and 2002 c 153 s 3;

19 (4) RCW 43.42.030 and section 3 of this act & 2002 c 153 s 4;

20 (5) RCW 43.42.040 and section 4 of this act & 2002 c 153 s 5;

21 (6) RCW 43.42.050 and 2002 c 153 s 6;

22 (7) RCW 43.42.060 and 2002 c 153 s 7;

23 (8) RCW 43.42.070 and 2002 c 153 s 8;

24 (9) (~~Section 9 of this act;~~

25 ~~(10)~~) RCW 43.42.905 and 2002 c 153 s 10;

26 (~~(11)~~) (10) RCW 43.42.900 and 2002 c 153 s 11; and

27 (~~(12)~~) (11) RCW 43.42.901 and 2002 c 153 s 12.

28 NEW SECTION. **Sec. 7.** Section 2 of this act is necessary for the
29 immediate preservation of the public peace, health, or safety, or
30 support of the state government and its existing public institutions,
31 and takes effect immediately.

Passed by the House February 19, 2003.

Passed by the Senate April 10, 2003.

Approved by the Governor April 18, 2003.

Filed in Office of Secretary of State April 18, 2003.