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HOUSE BILL 1177

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State of Washington

59th Legislature

2005 Regular Session

By Representatives Morris, Clibborn, Linville, Simpson, P. Sullivan, Blake, Williams, Quall, Upthegrove and Kilmer

Read first time 01/18/2005. Referred to Committee on State Government Operations & Accountability.

1 AN ACT Relating to a permitting bill of rights; and adding a new  
2 section to chapter 1.20 RCW.

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

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 1.20 RCW  
5 to read as follows:

6 (1) The legislature finds that permits and licensing programs have  
7 been legislatively established to protect the health, welfare, economy,  
8 and environment of Washington's citizens and to provide a fair,  
9 competitive opportunity for business innovation and consumer  
10 confidence. The legislature also finds that uncertainty in government  
11 processes to permit or license an activity by a citizen of Washington  
12 state is undesirable and erodes confidence in government. The  
13 legislature further finds that information about the permitting and  
14 licensing process is critical for an applicant's planning and financial  
15 assessment of the proposed project. The legislature also finds that  
16 applicants have a responsibility to provide complete and accurate  
17 information.

18 (2) Citizens of the state of Washington have the right to know the

1 following information when applying for a permit, license, or  
2 authorization to engage in a lawful activity:

3 (a) Right to know the minimum and maximum time required by an  
4 agency for a decision on a permit or license, including public comment  
5 requirements;

6 (b) Right to know the minimum and maximum amount of information  
7 required for an agency to make a decision on a permit or license;

8 (c) Right to know when an agency considers an application complete  
9 for processing;

10 (d) Right to know the minimum and maximum costs in agency fees that  
11 will be incurred by the permit or license applicant; and

12 (e) Right to know the reasons for a denial of a permit or license  
13 in writing.

14 (3) In providing this information to applicants, an agency shall  
15 base estimates on the best information available about the permitting  
16 or licensing program and prior applications for similar permits, and  
17 shall also base these estimates on the information provided by the  
18 applicant. New information provided by the applicant subsequent to the  
19 agency estimates may change the information provided in subsection (2)  
20 of this section. Project modifications may result in more time, more  
21 information, or more costs being required for permit or license  
22 processing. Cost information provided by agencies is not required to  
23 include costs for work performed by the private sector on behalf of the  
24 applicant.

25 (4) This section does not create an independent cause of action,  
26 affect any existing cause of action, or establish time limits for  
27 purposes of RCW 64.40.020.

28 (5) State permitting and licensing agencies shall track the  
29 progress in meeting the information requirements established under  
30 subsection (2) of this section. Beginning on or before December 31,  
31 2006, each state permitting and licensing agency shall prepare an  
32 annual report of its performance for the preceding fiscal year. The  
33 report shall be posted on its web site and provided to the appropriate  
34 standing committees of the senate and house of representatives. In  
35 addition to general information regarding the performance of the agency  
36 for the preceding fiscal year, the report shall include:

37 (a) Information regarding the minimum and maximum time required by  
38 an agency for a decision on a permit, license, or authorization;

1           (b) The minimum and maximum amount of agency fees incurred by  
2 applicants by permit type; and

3           (c) A summation of the reasons for denial for each type of permit,  
4 license, or authorization.

5           (6) These rights apply to state permits, licenses, or other legal  
6 authorizations. This section does not apply to those licenses in which  
7 the only requirement of the applicant is to submit a fee and the  
8 license is received.

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