

SENATE BILL REPORT

SB 6690

As Reported By Senate Committee On:
Economic Development, Trade & Management, January 30, 2008

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

Brief Description: Regarding the office of regulatory assistance.

Sponsors: Senators Kilmer, Kastama, Hobbs, Sheldon, Rockefeller and Shin.

Brief History:

Committee Activity: Economic Development, Trade & Management: 1/30/08 [DP].

SENATE COMMITTEE ON ECONOMIC DEVELOPMENT, TRADE & MANAGEMENT

Majority Report: Do pass.

Signed by Senators Kastama, Chair; Kilmer, Vice Chair; Zarelli, Ranking Minority Member; Kauffman, King and Shin.

Staff: Aaron Gutierrez (786-7448)

Background: The Office of Regulatory Assistance (ORA) was created to assist citizens in navigating the increasingly complex state permitting processes by providing facilitation, coordination, and information.

State permitting agencies may enter into cost-reimbursement agreements with project proponents. Under these agreements, the agency recovers from the proponent the reasonable costs related to the requested permit, for example those incurred in conducting environmental impact studies.

Summary of Bill: The purpose and operating principles of the ORA are redefined, emphasizing a forum for improving the regulatory process, and assisting project proponents through those processes. The ORA's facilitation duties are clarified, and the ORA must assign a project facilitator.

The position of Director is created to lead the ORA. The Director is appointed by the Governor, and may hire staff as necessary.

The duties of the ORA are modified. The changes relate to services the ORA must provide, when the ORA must provide those services, and what reports the ORA must issue.

A "qualified coordinated permitting process project" (QCPPP) is defined as a qualifying project as designated by the ORA Director that is not required to use cost-reimbursement. In

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such projects, the ORA will be the main contact point between the permitting agencies and the project proponent. A mandatory meeting process is created, along with the membership roster for those meetings and agenda items to be discussed.

Procedures are established for a project's withdrawal from the process.

Cost-reimbursement agreements are clarified, new procedures are added, and the ORA is required to develop guidelines to eliminate conflicts of interest. The new cost-reimbursement process is applied to local air pollution authorities and four agencies: the Department of Ecology; the Department of Natural Resources; the Department of Health; and the Department of Fish and Wildlife.

Contracts for independent consultants must be competitive. Independent consultants must report to the permitting agencies, but those agencies remain the final authority for permitting decisions.

Project proponents are added to the list of required signatories on cost-reimbursement agreements.

Changes under this Act are limited to procedure only, and the decision-making authority of each effected permitting agency is not effected.

Appropriation: None.

Fiscal Note: Not requested.

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: This bill helps streamline the process and ensure transparency. The bill is essentially enacting into statute the way the ORA is currently operating. The bill clarifies the ORA's mandate. This bill will make the process better, rather than add undue burden to projects. This bill reinstates the coordinated permit process, which is especially good for complicated and controversial projects. The tracking provisions are especially good from a system-wide standpoint. New language was suggested for this bill and the companion bill.

Persons Testifying: Senator Kilmer, prime sponsor; Faith Lumsden, Director of Office of Regulatory Assistance; Polly Zehm, Department of Ecology; Rick Slunaker, Associated General Contractors; Jerry Smedes, Northwest Environmental Business Council.