

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House February 18, 1982.

Passed the Senate March 11, 1982.

Approved by the Governor April 1, 1982.

Filed in Office of Secretary of State April 1, 1982.

CHAPTER 179

[House Bill No. 859]

ENVIRONMENTAL COORDINATION PROCEDURES ACT—PERMIT APPROVAL, TIME LIMITS

AN ACT Relating to environmental coordination procedures; amending section 1, chapter 185, Laws of 1973 1st ex. sess. as amended by section 1, chapter 54, Laws of 1977 and RCW 90.62.010; and amending section 6, chapter 185, Laws of 1973 1st ex. sess. as amended by section 5, chapter 54, Laws of 1977 and RCW 90.62.060.

Be it enacted by the Legislature of the State of Washington:

Section 1. Section 1, chapter 185, Laws of 1973 1st ex. sess. as amended by section 1, chapter 54, Laws of 1977 and RCW 90.62.010 are each amended to read as follows:

(1) It is the sense of the legislature that the heavy burdens placed upon persons proposing to undertake certain types of projects in this state through requirements to obtain numerous permits and related documents from various state and local agencies are undesirable and should be alleviated. The legislature further finds that present methods for obtaining public views in relation to applications to state and local agencies pertaining to these projects are cumbersome and place undue hardships on members of the public thereby thwarting the public's ability to present such views.

(2) The purposes of this chapter are to:

(a) Provide for an optional procedure to assist those who, in the course of satisfying the requirements of state and local government prior to undertaking a project which contemplates the use of the state's air, land, or water resources, must obtain a number of permits, by establishing a mechanism in state government which will coordinate administrative decision-making procedures, and related quasi judicial and judicial review, pertaining to such documents.

(b) Provide to members of the public a better and easier opportunity to present their views comprehensively on proposed uses of natural resource and related environmental matters prior to the making of decisions on such uses by state or local agencies.

(c) Provide to members of the public who desire to carry out the aforementioned projects within the state of Washington a greater degree of certainty in terms of permit requirements of state and local government and when final decisions about the permits would be made.

(d) Provide better coordination and understanding between state and local agencies in the administration of the various programs relating to air, water, and land resources.

(e) Establish the opportunity for members of the public to obtain information pertaining to requirements of federal and state law which must be satisfied prior to undertaking a project in the state.

Sec. 2. Section 6, chapter 185, Laws of 1973 1st ex. sess. as amended by section 5, chapter 54, Laws of 1977 and RCW 90.62.060 are each amended to read as follows:

(1) Except as provided in RCW 90.62.050(2), prior to any final decision on any permit applications relating to a project subject to the procedures of this chapter, a public hearing shall be held in the county in which all or a major part of the proposed project is to be constructed or operated, such hearing to be held pursuant to notice made under RCW 90.62.050(1). At any such hearing the applicant may submit any relevant information and material in support of his applications, and members of the public may present relevant views and supporting materials in relation to any or all of the applications being considered.

(2) Each agency having an application for a permit before it as described in the notice in RCW 90.62.050(1) shall be represented at the public hearing by its chief administrative officer or his designee. The director of the department, or a hearing officer duly appointed by him, shall chair the hearing; however, the representative of any agency (other than the department) within whose jurisdiction a specific application lies shall conduct the portion of the hearing pertaining to submission of information, views, and supporting materials which are relevant to that application. The chairman may, when appropriate, continue a hearing from time to time and place to place. The hearing shall be recorded in any manner suitable for transcription as determined by the department.

(3) No provisions of chapter 34.04 RCW shall apply to the hearing provided for by this section. Said hearing shall be conducted for the purpose of obtaining information for the assistance of the agencies but shall not be considered a trial or adversary proceeding.

(4) Upon completion of the public hearing the chairman, after consultation with the agency representatives, shall establish the date by which all agencies shall forward their final decisions on applications before them to the department: PROVIDED, That this date ((may be extended by the chairman for reasonable cause)) shall not be more than one hundred twenty days after completion of the public hearing, unless the chairman and the applicant mutually agree upon a later date: PROVIDED FURTHER, That

subsequent to the hearing the chairman and the applicant may agree, prior to the expiration of the one-hundred twenty day period or the agreed upon later date, that the date for agencies to forward their final decisions may be extended. If such agreement is reached, the affected agencies shall be notified in writing by the chairman. Failure of an agency to forward a decision by the established date constitutes unconditional approval by that agency of the application. Every final decision shall set forth the basis for the conclusion reached together with a final order denying the application for a permit or granting it, subject to such conditions of approval as the deciding agency may have power to impose.

(5) In situations where a notice is provided pursuant to RCW 90.62.050(2) and no public hearing is conducted, the department shall, after twenty days after the last notice publication in the newspaper, submit a copy of all views and supporting material received by it to each agency having an application for a permit before it as described in the notice. Concurrently therewith, the department shall notify each agency, in writing, of the date by which final decisions on applications shall be forwarded to the department: PROVIDED, That this date ((may be extended by the department for reasonable cause)) shall not be more than one hundred fifty days after the last required publication of notice in the newspaper unless the department and the applicant mutually agree upon a later date: PROVIDED FURTHER, That subsequent to the last required publication, the chairman and the applicant may agree, prior to the expiration of the one-hundred fifty day period or the agreed upon later date, that the date for agencies to forward their final decisions may be extended. If such agreement is reached, the affected agencies shall be notified in writing by the chairman. Failure of an agency to forward a decision by the established date shall constitute unconditional approval by that agency of the application. Each such final decision shall consist of the same contents as provided for final decisions in RCW 90.62.060(4).

(6) As soon as all final decisions are received by the department from the various participating agencies, as provided in RCW 90.62.060(4) and (5), the department shall incorporate them, without modification, into one document and transmit the same to the applicant either personally or by registered mail.

(7) Each agency having jurisdiction to approve or deny an application for a permit shall have continuing power as vested in it prior to enactment of this chapter to make such determinations. Nothing in RCW 90.62.030 through 90.62.060 shall lessen or reduce such powers, and such sections shall modify only the procedures to be followed in the carrying out of such powers.

(8) An agency may in the performance of its responsibilities of decision making under this chapter, request or receive additional information from

an applicant and others prior or subsequent to a public hearing as necessary to the performance thereof.

Passed the House March 9, 1982.

Passed the Senate March 8, 1982.

Approved by the Governor April 1, 1982.

Filed in Office of Secretary of State April 1, 1982.

CHAPTER 180

[House Bill No. 1162]

DEPARTMENT OF NATURAL RESOURCES—GEODUCK MANAGEMENT—
APPROPRIATION

AN ACT Relating to geoduck management; and making an appropriation.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Section 1. There is appropriated from the resource management cost account in the general fund to the department of natural resources for the fiscal year ending June 30, 1983, the sum of one hundred eighty-seven thousand dollars, or so much thereof as may be necessary, to implement, in cooperation with the department of fisheries, an intensive management plan for geoducks.

Passed the House February 18, 1982.

Passed the Senate March 11, 1982.

Approved by the Governor April 1, 1982.

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CHAPTER 181

[Substitute House Bill No. 902]

INSURANCE—EXAMINATIONS—TAXES AND FEES—LICENSES—
POLICY FORMS—AGENTS—SPECIFIED DISEASE INSURANCE

AN ACT Relating to insurance; amending section .03.01, chapter 79, Laws of 1947 as amended by section 1, chapter 139, Laws of 1979 and RCW 48.03.010; amending section .04.02, chapter 79, Laws of 1947 as amended by section 3, chapter 190, Laws of 1949 and RCW 48.04.020; amending section .05.31, chapter 79, Laws of 1947 and RCW 48.05.310; amending section 7, chapter 195, Laws of 1963 as last amended by section 1, chapter 135, Laws of 1980 and RCW 48.05.340; amending section 1, chapter 6, Laws of 1981 and RCW 48.14.025; amending section .15.07, chapter 79, Laws of 1947 as last amended by section 1, chapter 199, Laws of 1981 and RCW 48.15.070; amending section .17.09, chapter 79, Laws of 1947 as last amended by section 10, chapter 339, Laws of 1981 and RCW 48.17.090; amending section .17.51, chapter 79, Laws of 1947 as last amended by section 15, chapter 303, Laws of 1955 and RCW 48.17.510; amending section .17.54, chapter 79, Laws of 1947 as last amended by section 2, chapter 107, Laws of 1973 1st ex. sess. and RCW 48.17.540; amending section .18.11, chapter 79, Laws of 1947 and RCW 48.18.110; amending section 4, chapter 104, Laws of 1969 and RCW 48.18A.040; amending section 19, chapter 229, Laws of 1951 and RCW 48.20.182; amending section .23.18, chapter 79, Laws of 1947 and RCW 48.23.180; amending section 22, chapter 70, Laws of 1965 ex. sess. and RCW 48.23.370; amending section 8, chapter 194, Laws of 1961 and RCW 48.24.035; amending section .30.11, chapter 79, Laws of 1947 and RCW