

**Office of  
Regulatory  
Assistance  
Sunset Review  
Report 10-9**

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STATE OF WASHINGTON  
JOINT LEGISLATIVE AUDIT  
AND REVIEW COMMITTEE

**STUDY TEAM**  
John Woolley

**PROJECT SUPERVISOR**  
Keenan Konopaski

**LEGISLATIVE AUDITOR**  
Ruta Fanning

Copies of Final Reports and  
Digests are available on the JLARC  
website at:

**[www.jlarc.leg.wa.gov](http://www.jlarc.leg.wa.gov)**

or contact

Joint Legislative Audit & Review  
Committee  
1300 Quince St SE  
Olympia, WA 98504-0910  
(360) 786-5171  
(360) 786-5180 FAX

## REPORT SUMMARY

The Sunset statutes direct that, absent specific action by the Legislature, the Office of Regulatory Assistance (ORA) will cease to exist on June 30, 2011. These statutes require JLARC to review the activities of the Office. This JLARC sunset analysis recommends that the Legislature continue the operations of ORA and suggests a different method of evaluating ORA's ongoing performance.

### **Legislature Created ORA to Make Permitting Processes Easier to Navigate**

The Office of Regulatory Assistance (ORA) is to provide a range of assistance and coordination to those seeking environmental permits or business licenses. Administered by the Office of the Governor, with 14 staff and estimated expenditures of \$2.1 million in Fiscal Year 2010, ORA's functions regarding permits and licenses fall into three areas: supplying information, providing assistance and coordination, and improving regulatory processes.

ORA has a varied customer base. For example, an individual seeking information on what is required to build a private dock may visit ORA's website or call ORA's Information Center. A company seeking to obtain the permits required to build a 982-acre solar power complex may request ORA's active assistance in determining what permits are required and in coordinating the agencies involved in issuing those permits.

In providing these services, ORA is required by statute to develop ways of improving permitting processes while not limiting the authority of permit agencies to make permit decisions. In short, ORA is to help individuals and businesses understand what is needed to obtain permits and licenses, to assist them in permitting processes when requested, and to improve the efficiency of permitting processes all while not compromising the ability of agencies to fulfill their statutory duties.

### **The Legislature Has Frequently Changed ORA's Responsibilities As It Seeks to Improve Permitting Processes**

Since ORA's creation in 2002, the Legislature has both refined and added to ORA's role.

In 2003, the Legislature changed the organization's name from the Office of Permit Assistance to the Office of Regulatory Assistance and added to ORA's duties. In 2007, the Legislature extended the sunset date of ORA from 2007 to 2011 and refined its duties. In 2009, the Legislature again refined duties, changed reporting requirements, and established a new fully coordinated permit process, a type and level of assistance not previously provided. In 2010, the Legislature created new multi-agency permit teams, another new service.

## Answering a Sunset Review's Four Basic Questions

By statute, a sunset review must focus on four questions:

1. **Compliance with legislative intent.** ORA complies with statutes such as providing information and assistance. However, for new areas such as the fully coordinated permit process, JLARC is not able to evaluate compliance with intent because sufficient time has not passed between the Legislature defining the duty and this sunset review.
2. **Efficiency.** The number of requests to ORA for information and the number of permit applicants seeking ORA's assistance are increasing; however, ORA's size, the nature of its work, and the Legislature's adding of duties makes measuring its efficiency a challenge.
3. **Meeting performance goals and targets.** ORA has improved its goal and target setting since JLARC's 2007 review. However, ORA's reporting on whether or not it has met stated goals and targets is inconsistent over time.
4. **Duplication of services.** ORA's role of independence and its ongoing duty to improve regulatory processes distinguish ORA's role from those of other organizations, public or private.

## Conclusion: The Legislature Needs a Better Feedback Loop for ORA Than Sunset Reviews

The Legislature continues to refine and add additional tasks to ORA's role. A better feedback loop than sunset reviews is needed to inform the Legislature about what is working and what is not working with this ongoing effort to make permitting processes easier to navigate.

## Report Recommendations

### Recommendation 1

**The Legislature should continue ORA and not set another sunset date.**

ORA has complied with parts of statute. However, there are duties that have been added to ORA where it is simply too early to evaluate compliance. JLARC does not propose a fourth sunset review as we do not think that another sunset review for this agency is the best approach to providing the Legislature with information on performance.

### Recommendation 2

**To improve information on ORA's performance, ORA should include in its biennial reports information on what is, and what is not, working as the Office implements the tasks defined for it by the Legislature.**

The Legislature has frequently refined and added to ORA's duties as it attempts to improve permitting and licensing processes. Information on what is and what is not working will help this refinement and expansion.

### Recommendation 3

**ORA should improve its reports to the Legislature so that its performance in meeting targets stated in one year can be clearly tracked over following years.**

It is difficult to follow, from one year to the next, whether or not ORA met targets it established in previous years. Consistency in reporting will allow easier tracking performance across years.