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SENATE BILL 5655

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State of Washington                      58th Legislature                      2003 Regular Session

By Senators Morton, Hale, Hargrove, West, Honeyford, T. Sheldon and Benton

Read first time 02/05/2003.                      Referred to Committee on Natural Resources, Energy & Water.

1            AN ACT Relating to ensuring the consistent application of  
2 principles of the regulatory reform act of 1995 to natural resource  
3 agency rules, policies, and permits; adding a new section to chapter  
4 43.21B RCW; adding a new section to chapter 43.30 RCW; adding a new  
5 section to chapter 77.04 RCW; creating a new section; and declaring an  
6 emergency.

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

8            NEW SECTION.    **Sec. 1.** (1) The legislature finds that:

9            (a) The regulatory reform act of 1995 prohibits agency rules from  
10 differing from existing federal standards unless a state statute  
11 explicitly allows such a difference or substantial evidence shows that  
12 different state rules are necessary;

13            (b) In spite of these provisions, natural resource agencies,  
14 including the departments of natural resources, ecology, and fish and  
15 wildlife, continue to develop and adopt state rules, guidelines, permit  
16 conditions, and policies that substantially differ from those that have  
17 already been adopted by federal agencies;

18            (c) Differing from existing federal requirements or policies  
19 increases costs to state agencies and local governments, results in

1 burdensome and conflicting regulatory programs, and prevents Washington  
2 state from being economically competitive in the national and global  
3 economy;

4 (d) Natural resource agencies should give priority to assisting and  
5 educating regulated entities and local governments in understanding and  
6 complying with existing federal requirements or policies, rather than  
7 creating different state standards; and

8 (e) The state must maintain the independence and flexibility to  
9 differ from or exceed federal standards when necessary.

10 (2) Therefore, the legislature intends to ensure that state natural  
11 resource agencies use existing federal requirements and policies when  
12 implementing programs for which federal requirements or policies exist,  
13 rather than adopting different state standards, unless specifically  
14 directed by the legislature to do so.

15 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.21B RCW  
16 to read as follows:

17 Actions taken by the department shall not differ from the standards  
18 required by federal law, regulations, or guidelines unless the  
19 legislature specifically directs the department to differ from the  
20 federal standard. Such actions include: Issuing any permit,  
21 condition, order, guideline, or policy or interpretative statement;  
22 adopting any rule; or entering into any agreement or contract to  
23 implement a federal law or regulation either delegated to the state or  
24 implemented by the state.

25 NEW SECTION. **Sec. 3.** A new section is added to chapter 43.30 RCW  
26 to read as follows:

27 Actions taken by the department shall not differ from the standards  
28 required by federal law, regulations, or guidelines unless the  
29 legislature specifically directs the department to differ from the  
30 federal standard. Such actions include: Issuing any permit,  
31 condition, order, guideline, or policy or interpretative statement;  
32 adopting any rule; or entering into any agreement or contract to  
33 implement a federal law or regulation either delegated to the state or  
34 implemented by the state.

1        NEW SECTION.   **Sec. 4.**   A new section is added to chapter 77.04 RCW  
2   to read as follows:

3        Actions taken by the department shall not differ from the standards  
4   required by federal law, regulations, or guidelines unless the  
5   legislature specifically directs the department to differ from the  
6   federal standard.    Such actions include:    Issuing any permit,  
7   condition, order, guideline, or policy or interpretative statement;  
8   adopting any rule; or entering into any agreement or contract to  
9   implement a federal law or regulation either delegated to the state or  
10   implemented by the state.

11       NEW SECTION.   **Sec. 5.**   This act is necessary for the immediate  
12   preservation of the public peace, health, or safety, or support of the  
13   state government and its existing public institutions, and takes effect  
14   immediately.

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