

**ESHB 1241** - S AMD TO HLG COMM AMD (S-2308.1/21) **758**  
By Senator Wagoner

**NOT CONSIDERED 04/26/2021**

1 On page 29, after line 38, insert the following:

2 "Sec. 10. RCW 36.70A.172 and 2010 c 211 s 3 are each amended to  
3 read as follows:

4 (1) In designating and protecting critical areas under this  
5 chapter, counties and cities shall include the best available science  
6 in developing policies and development regulations to protect the  
7 functions and values of critical areas. In addition, counties and  
8 cities shall give special consideration to conservation or protection  
9 measures necessary to preserve or enhance anadromous fisheries.

10 (2) If it determines that advice from scientific or other experts  
11 is necessary or will be of substantial assistance in reaching its  
12 decision, the growth management hearings board may retain scientific  
13 or other expert advice to assist in reviewing a petition under RCW  
14 36.70A.290 that involves critical areas.

15 (3) To assist in reviewing a petition under RCW 36.70A.290 that  
16 involves critical areas, the growth management hearings board must  
17 allow the planning jurisdiction to retain and examine scientific  
18 experts or other expert witnesses to aid the board in understanding  
19 or determining facts in issue regarding policies or regulations. The  
20 board and any other party may retain and examine its own expert  
21 witnesses. All scientific or other expert witnesses must be  
22 established as experts by testifying to their knowledge, skill,  
23 experience, training, or education as established by the Washington  
24 rules of evidence pertaining to expert witnesses."

25 Renumber the remaining sections consecutively.

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26 On page 30, line 7, after "36.70A.190," strike "and 36.70A.210"  
27 and insert "36.70A.210, and 36.70A.172"

EFFECT: Allows planning jurisdictions to retain and examine scientific experts or other expert witnesses in petitions to the growth management hearings board involving critical areas. Provides that the board and any other party may retain and examine its own expert witnesses.

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