
HOUSE BILL 2193

State of Washington

68th Legislature

2024 Regular Session

By Representatives Sandlin, Graham, Klicker, Dent, and Low

Prefiled 01/05/24. Read first time 01/08/24. Referred to Committee on Agriculture and Natural Resources.

1 AN ACT Relating to the new environmental restoration accelerator
2 for salmon recovery; adding a new section to chapter 43.31 RCW; and
3 adding a new section to chapter 44.28 RCW.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 43.31
6 RCW to read as follows:

7 (1) An environmental restoration accelerator is established
8 within the department of commerce to provide regulatory flexibility
9 for salmon recovery projects and programs funded with climate
10 commitment act revenue.

11 (2) The director of the department of commerce must appoint an
12 administrator and assign staff to run the environmental restoration
13 accelerator. It is the intent of the legislature that administrative
14 funds for the environmental restoration accelerator be appropriated
15 from climate commitment act auction revenue.

16 (3) Any entity receiving funding for the primary purpose of
17 salmon recovery from the climate investment account created in RCW
18 70A.65.250, the climate commitment account created in RCW 70A.65.260,
19 the natural climate solutions account created in RCW 70A.65.270, or
20 the air quality and health disparities improvement account created in

1 RCW 70A.65.280 is automatically enrolled in the environmental
2 restoration accelerator.

3 (4) The administrator of the environmental restoration
4 accelerator must assist every entity in the accelerator by:

5 (a) Assisting the entity with identifying any regulatory barriers
6 to successfully and efficiently implementing the project or program
7 for which the entity received funding;

8 (b) Working with the relevant regulatory agency or agencies to
9 see what, if any, regulatory relief may be granted to the entity by
10 the regulatory agency or agencies. Regulatory relief may be in the
11 form of a waiver or modification of state law, a waiver or
12 modification of a state rule, or both, for a trial period. The
13 initial trial period may occur for up to five years and may be
14 extended for the entity by a regulatory agency or agencies until the
15 conclusion of the climate commitment act's compliance obligations for
16 covered entities; and

17 (c) When regulatory relief is granted to an entity, providing
18 notice to all entities in the environmental restoration accelerator
19 of this relief. The department of commerce must maintain a registry
20 of enrollees so that those who wish to be notified for request of
21 relief by other entities can update their contact information.

22 (5) Entities enrolled in the environmental restoration
23 accelerator have the right to request regulatory relief, on a form to
24 be prescribed by the administrator of the environmental restoration
25 accelerator, and have the request considered and responded to in 60
26 days.

27 (6)(a) The administrator of the environmental restoration
28 accelerator or the relevant regulatory agency or agencies may rescind
29 a grant of regulatory relief if:

30 (i) The administrator of the environmental restoration
31 accelerator or relevant regulatory agency determines the relief is no
32 longer in the public interest; or

33 (ii) The program, project, or other qualifying grant has been
34 terminated.

35 (b) When rescinding regulatory relief, the relevant agency must
36 provide the entity that received the relief with a detailed
37 explanation of the reason for the rescission.

38 (7) The department of commerce must provide a progress report on
39 the environmental restoration accelerator to the appropriate

1 committees of the legislature by January 1st annually. The report
2 must include:

3 (a) The number and type of entities requesting regulatory relief;

4 (b) A review and summary of the types of regulatory relief
5 requested;

6 (c) The details of all regulatory relief granted by regulatory
7 agencies;

8 (d) Recommendations or considerations for amending state law or
9 rules to provide permanent regulatory relief; and

10 (e) Any other information that the department of commerce deems
11 relevant and useful.

12 (8) This section does not limit the authority of any regulatory
13 agency to take any enforcement action, other than a civil penalty,
14 authorized by law. This section does not limit a regulatory agency's
15 authority to issue a civil penalty as authorized by law based upon a
16 person's failure to comply with specific terms and conditions of any
17 permit or license issued by the agency to that person.

18 (9) If a regulatory agency determines that any part of this
19 section is in conflict with federal law or program requirements, in
20 conflict with federal requirements that are a prescribed condition to
21 the allocation of federal funds to the state, or in conflict with the
22 requirements for eligibility of employers in this state for federal
23 unemployment tax credits, the conflicting part of this chapter is
24 inoperative solely to the extent of the conflict. Any rules under
25 this section must meet federal requirements that are a necessary
26 condition to the receipt of federal funds by the state or the
27 granting of federal unemployment tax credits to employers in this
28 state.

29 NEW SECTION. **Sec. 2.** A new section is added to chapter 44.28
30 RCW to read as follows:

31 (1) The joint committee shall conduct an evaluation of the
32 implementation of the environmental restoration accelerator for
33 salmon recovery as described in section 1 of this act and report to
34 the appropriate committees of the legislature by December 1, 2029, on
35 the results of the evaluation.

36 (2) The report must include recommendations on whether to
37 continue the environmental restoration accelerator in its existing
38 form and any legislative changes that may be needed to improve the
39 program. Specifically, the report must include a comparison of

1 entities that received regulatory relief to similar entities that
2 either did not request regulatory relief or did not receive
3 regulatory relief.

--- END ---