

SENATE BILL REPORT

ESB 5194

As Passed Senate, May 25, 1995

Title: An act relating to the reauthorization of the Puget Sound water quality authority.

Brief Description: Changing Puget Sound Water Quality Authority provisions.

Sponsors: Senators Fraser, Winsley, Kohl, Sheldon, Snyder, Franklin, Gaspard, Heavey, C. Anderson and Haugen; by request of Governor Lowry.

Brief History:

Committee Activity: Ecology & Parks: 1/18/95, 1/24/95 [DPA].
Passed Senate, 2/1/95, 33-16.

Second Special Session: Passed Senate, 5/25/95, 30-18.

SENATE COMMITTEE ON ECOLOGY & PARKS

Majority Report: Do pass as amended.

Signed by Senators Fraser, Chair; C. Anderson, Vice Chair; McAuliffe, McDonald, Spanel and Swecker.

Staff: Gary Wilburn (786-7453)

Background: The Puget Sound Water Quality Authority was created by the Legislature in 1985. The Authority's principal purpose is to develop a comprehensive plan for the protection and cleanup of Puget Sound, applicable to the hundreds of local, regional and state jurisdictions within the Puget Sound basin. The Authority is comprised of eleven members: nine citizen members appointed by the Governor, the director of the Department of Ecology, and the Public Lands Commissioner serving ex officio. Three of the citizen members are to represent cities, counties and tribal governments. The Ecology Department director chairs the Authority. The Authority's 1993-1995 biennial operating budget is \$2.5 million with about 19 FTE staff. It administers another \$1.7 million in grants to local governments and citizen groups.

The initial Puget Sound Water Quality Management Plan was adopted in 1986, and revised in 1989, 1991 and 1994. The Plan contains numerous elements, addressing subjects such as nonpoint source pollution, municipal and industrial discharges, contaminated sediments, stormwater and combined sewer overflows, spill prevention and response, wetlands protection, research and monitoring. The Plan developed by the Authority is to be implemented by appropriate state and local agencies subject to available funding.

Other duties of the Authority include: implementation of a Puget Sound long-term monitoring program (authorized in 1990); periodic reporting on the state of the Sound, the status of plan implementation, and state and local actions affecting the Sound; review of state agency budgets relating to Puget Sound; making recommendations to the Governor and Legislature;

encouraging research on Puget Sound's water quality; and administering a public involvement and education program.

Originally scheduled for sunset in 1991, the Legislature reauthorized the Authority in 1990 until June 30, 1995. The reauthorizing legislation expanded the Authority membership, required its offices to be located in Olympia within the Department of Ecology, and clarified that the plan was to be implemented by appropriate agencies subject to available funding. The legislation also required the Governor's proposed biennial budget to identify Puget Sound funding levels, and directed the Authority to prepare a strategy for implementing the plan that include setting priorities. The Legislature also directed that, notwithstanding the agency's sunset, the plan was to continue and be the responsibility of such entities as provided by the Legislature.

The Legislative Budget Committee completed its latest sunset review of the Authority in September, 1994. It recommended continuation of the Authority and consideration of changing the composition of the Authority to include industrial discharger representation. It also recommended legislative changes to focus the Authority upon plan implementation, to de-emphasize plan revisions, and omit unnecessary reporting requirements.

Summary of Bill: The sunset provisions relating to the Authority are repealed and a new sunset date of June 30, 2002 is adopted. The requirement that appointed members be selected from each congressional district around the Sound is replaced by a requirement that the appointments reflect geographical balance and population diversity. Deleted are requirements that the Authority prepare a budget and work plan, and annual progress reports on plan implementation to the Governor and the Legislature. By December 1, 1995, the Authority is to review its reporting and documentation requirements, with the objective of eliminating and modifying the requirements to reduce costs and improve efficiency.

The Authority is directed to develop and track quantifiable performance measures for improving and protecting Puget Sound water quality and biological resources. State agencies are to assist the Authority in developing the measures which are to be developed by June 30, 1996. The Authority's biennial State of the Sound report is to include an assessment of plan implementation based upon an evaluation of the performance measures.

The plan revision cycle is extended from four years to six years, with the next revision due July 1, 2000. The Authority is to emphasize plan implementation by providing technical assistance, research, education, coordination, and other services. Deleted are provisions requiring the appointment of advisory committees (replaced by a comparable requirement), and allowing the Authority director to request assignment of staff from other agencies.

Appropriation: None.

Fiscal Note: Requested on January 13, 1995.

Effective Date: The bill takes effect on June 30, 1995.

Testimony For: There is a continuing need for the Authority to ensure coordinated and timely implementation of the Puget Sound plan.

Testimony Against: The management plan is completed, the implementation is the responsibility of the agencies, and therefore there is no further need for a separate planning agency.

Testified: PRO: Tom Dilber, Anthonys Restaurants; Fred Hellberg, Governor's Office, OFM; Scott Merriman, WA Environmental Council; Jackie Miller; Bill Dewey, Taylor United, Inc.; Sheri Tonn, PSWQA; John Sayre; Frank Christhlf, People for Puget Sound; Tom Putnam, Puget Soundkeeper; Bob Hart, Skagit County Commissioner; Larry Phillips, King County Council; Mike Thorp, Hugh Spitzer, Nancy McKay, Puget Sound Water Quality Authority; Brant Rogers, Larry's Markets; Tim Douglas, Bellingham Mayor; Janet Dawes, Nisqually Delta Assn.; CON: Lisa Jenney, Assn. of WA Business; Jan Teague, Building Industry Assn.