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ENGROSSED SUBSTITUTE HOUSE BILL 2875

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State of Washington

54th Legislature

1996 Regular Session

By House Committee on Agriculture & Ecology (originally sponsored by Representative Chandler)

Read first time 02/06/96.

1 AN ACT Relating to water quality; amending RCW 90.70.065,  
2 43.21A.064, 43.70.040, 43.99.025, and 43.300.040; reenacting and  
3 amending RCW 47.01.101 and 43.88.030; adding a new section to chapter  
4 28B.20 RCW; adding a new section to chapter 28B.30 RCW; adding a new  
5 section to chapter 43.23 RCW; adding a new section to chapter 43.30  
6 RCW; adding a new section to chapter 43.51 RCW; adding a new section to  
7 chapter 77.12 RCW; adding a new section to chapter 89.08 RCW; adding a  
8 new chapter to Title 90 RCW; recodifying RCW 90.70.065 and 90.70.902;  
9 repealing RCW 90.70.027, 90.70.075, 90.70.090, and 90.70.100; making  
10 appropriations; and declaring an emergency.

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

12 NEW SECTION. **Sec. 1.** FINDINGS. (1) The legislature finds that:  
13 (a) Puget Sound and related inland marine waterways of Washington  
14 state represent a unique and unparalleled resource. A rich and varied  
15 range of marine organisms, comprising an interdependent, sensitive  
16 communal ecosystem reside in these sheltered waters. Residents of this  
17 region enjoy a way of life centered around the waters of Puget Sound,  
18 featuring accessible recreational opportunities, world-class port  
19 facilities and water transportation systems, harvest of marine food

1 resources, shoreline-oriented life styles, water-dependent industries,  
2 tourism, irreplaceable aesthetics, and other activities, all of which  
3 to some degree depend upon a clean and healthy marine resource;

4 (b) The Puget Sound water quality authority has done an excellent  
5 job in developing a comprehensive plan to identify actions to restore  
6 and protect the biological health and diversity of Puget Sound;

7 (c) The large number of governmental entities that now have  
8 regulatory programs affecting the water quality of Puget Sound have  
9 diverse interests and limited jurisdictions that cannot adequately  
10 address the cumulative, wide-ranging impacts that contribute to the  
11 degradation of Puget Sound; and

12 (d) Coordination of the regulatory programs, at the state and local  
13 level, is best accomplished through the development of interagency  
14 mechanisms that allow these entities to transcend their diverse  
15 interests and limited jurisdictions.

16 (2) It is therefore the policy of the state of Washington to  
17 coordinate the activities of state and local agencies by establishing  
18 a biennial work plan that clearly delineates state and local actions  
19 necessary to protect and restore the biological health and diversity of  
20 Puget Sound. It is further the policy of the state to implement the  
21 Puget Sound water quality management plan to the maximum extent  
22 possible.

23 NEW SECTION. **Sec. 2.** DEFINITIONS. Unless the context clearly  
24 requires otherwise, the definitions in this section apply throughout  
25 this chapter.

26 (1) "Action team" means the Puget Sound water quality action team.

27 (2) "Local plans" means local watershed action plans developed  
28 pursuant to chapter 400-12 WAC.

29 (3) "Puget Sound management plan" means the 1994 Puget Sound water  
30 quality management plan as it exists June 30, 1996, and as subsequently  
31 amended by the action team.

32 (4) "Work plan" means the work plan and budget developed by the  
33 action team.

34 NEW SECTION. **Sec. 3.** PUGET SOUND ACTION TEAM. (1) The Puget  
35 Sound action team is created. The action team shall consist of: The  
36 directors of the departments of ecology; agriculture; natural  
37 resources; fish and wildlife; and community, trade, and economic

1 development; the secretaries of the departments of health and  
2 transportation; the director of the parks and recreation commission;  
3 the director of the interagency committee for outdoor recreation; the  
4 administrative officer of the conservation commission designated in RCW  
5 89.08.050; the president of the University of Washington; the president  
6 of the Washington State University; and the chair of the action team.

7 (2) The action team shall:

8 (a) Develop and implement a work plan and budget as provided in  
9 section 5 of this act. In developing a work plan, the action team  
10 shall meet the following objectives:

11 (i) Use the plan elements of the Puget Sound management plan to  
12 prioritize local and state actions necessary to restore and protect the  
13 biological health and diversity of Puget Sound;

14 (ii) Consider the problems and priorities identified in local  
15 plans; and

16 (iii) Coordinate the work plan activities with other relevant  
17 activities, including but not limited to, agencies' activities that  
18 have not been funded through the plan, local plans, and governmental  
19 and nongovernmental watershed restoration activities.

20 (b) Coordinate assignment of staff;

21 (c) Coordinate monitoring and research programs as provided in RCW  
22 90.70.065 (as recodified by this act);

23 (d) Assist in the revision of the nonpoint rules and storm water  
24 runoff rules as provided in section 9 of this act;

25 (e) Work under the direction of the action team chair as provided  
26 in section 4 of this act;

27 (f) Coordinate permitting requirements as necessary to expedite  
28 permit issuance for any local watershed plan developed pursuant to  
29 rules adopted under this chapter;

30 (g) Identify and resolve any policy or rule conflicts that may  
31 exist between one or more agencies represented on the action team; and

32 (h) Periodically amend the Puget Sound management plan. The action  
33 team shall include any proposed plan amendment in its work plan  
34 submitted to the legislature prior to amending the plan.

35 (3) By June 1, 1996, the action team shall begin developing its  
36 initial work plan, including assigning and coordinating necessary  
37 support staff.

38 (4) All proceedings of the action team are subject to the open  
39 public meetings act under chapter 42.30 RCW.

1        NEW SECTION.    **Sec. 4.**    GOVERNOR'S OFFICE.    (1) By May 1, 1996, the  
2 governor shall appoint a person in the governor's office to chair the  
3 action team.

4        (2) The chair shall be responsible for:

5        (a) Organizing the development of the work plan required under  
6 section 5 of this act;

7        (b) Presenting work plan and budget recommendations to the governor  
8 and the legislature;

9        (c) Overseeing the implementation of the elements of the work plan  
10 that receive funding through appropriations by the legislature; and

11        (d) Coordinate the transfer of appropriate data from the Puget  
12 Sound water quality authority, including but not limited to, its  
13 library, files, data bases, contracts, and grants.

14        (3) Beginning in December 1998, and every two years thereafter, the  
15 chair shall submit a report to the appropriate policy and fiscal  
16 committees of the legislature.    The report shall:

17        (a) Describe and evaluate the successes and shortcomings of the  
18 current work plan relative to the priority problems identified for each  
19 geographic area of Puget Sound;

20        (b) Describe the priority problems and actions proposed for  
21 inclusion into the next biennium's work plan for each geographic area  
22 of Puget Sound, including a description of new and ongoing activities  
23 and a breakdown of the costs of each activity, by geographic area;

24        (c) Describe how the work plan responds to the evaluation required  
25 under (a) of this subsection; and

26        (d) Describe any proposed amendments to the Puget Sound management  
27 plan.

28        NEW SECTION.    **Sec. 5.**    WORK PLANS.    (1) Each biennium, the action  
29 team shall prepare a Puget Sound work plan and budget for inclusion in  
30 the governor's biennial budget.    The work plan shall prescribe the  
31 necessary federal, state, and local actions to maintain and enhance  
32 Puget Sound water quality, including but not limited to, enhancement of  
33 recreational opportunities, and restoration of a balanced population of  
34 indigenous shellfish, fish, and wildlife.

35        (2) In addition to the requirements identified under section 3  
36 (2)(a) of this act, the work plan and budget shall:

37        (a) Identify and prioritize the local and state actions necessary  
38 to address the water quality problems in the following locations:

- 1 (i) Area 1: Island and San Juan counties;  
2 (ii) Area 2: Skagit and Whatcom counties;  
3 (iii) Area 3: Clallam and Jefferson counties;  
4 (iv) Area 4: Snohomish, King, and Pierce counties; and  
5 (v) Area 5: Kitsap, Mason, and Thurston counties;

6 (b) Provide sufficient funding to create interagency and  
7 interdisciplinary teams as follows:

8 (i) At least one watershed assessment team, modeled after the Puget  
9 Sound river basin team, to characterize local watersheds at the request  
10 of a county;

11 (ii) At least one technical assistance team in each geographic  
12 district identified under subsection (2)(a) of this section. Each  
13 technical assistance team shall implement identified work plan  
14 activities and provide technical assistance to local governments  
15 involved in planning or implementing a local plan and to entities  
16 implementing local plans;

17 The number and qualifications of personnel for each team shall be  
18 determined by the types of problems identified pursuant to (a) of this  
19 subsection;

20 (c) Provide sufficient funding to implement and coordinate the  
21 Puget Sound ambient monitoring plan pursuant to RCW 90.70.065 (as  
22 recodified by this act);

23 (d) Provide funds to assist local jurisdictions to implement  
24 elements of the work plan assigned to local governments, and to develop  
25 and implement local plans. Issuance of grants and loans to local  
26 jurisdictions shall be consistent with the criteria established under  
27 section 9(1) of this act; and

28 (e) Provide sufficient funding to provide administrative and  
29 oversight support for the action team.

30 (3) The work plan shall be submitted to appropriate policy and  
31 fiscal committees of the legislature by December 20th of each even-  
32 numbered year.

33 (4) The work plan shall be implemented consistent with the  
34 legislative provisos of the biennial appropriation acts.

35 **Sec. 6.** RCW 90.70.065 and 1995 c 269 s 3501 are each amended to  
36 read as follows:

37 (1) In addition to other powers and duties specified in this  
38 chapter, the ((authority)) action team shall ensure implementation and

1 coordination of the Puget Sound ambient monitoring program established  
2 in the Puget Sound management plan (~~(under RCW 90.70.060(12))~~). The  
3 program shall include, at a minimum:

4 ~~(a) ((Develop a baseline and examine differences among areas of  
5 Puget Sound, for environmental conditions, natural resources, and  
6 contaminants in seafood, against which future changes can be measured;~~

7 ~~(b) Take measurements relating to specific program elements  
8 identified in the plan;~~

9 ~~(c) Measure the progress of the ambient monitoring programs  
10 implemented under the plan;~~

11 ~~(d) Provide a permanent record of significant natural and human-  
12 caused changes in key environmental indicators in Puget Sound; and~~

13 ~~(e) Help support research on Puget Sound.~~

14 ~~(2) Each state agency with responsibilities for implementing the  
15 Puget Sound ambient monitoring program, as specified in the plan, shall  
16 participate in the program.)) A research program, including but not  
17 limited to methods to provide current research information to managers  
18 and scientists, and to establish priorities based on the needs of the  
19 action team;~~

20 (b) A monitoring program, including protocols, guidelines, and  
21 quantifiable performance measures. These performance measures shall be  
22 established in a manner so as to be used by the governor, the  
23 legislature, and the action team to assess the effectiveness over time  
24 of programs and actions initiated under the plan to improve and protect  
25 Puget Sound water quality and biological resources. The performance  
26 measures shall include, but not be limited to a methodology to track  
27 the progress of: Fish and wildlife habitat; sites with sediment  
28 contamination; wetlands; shellfish beds; and other key indicators of  
29 Puget Sound health.

30 NEW SECTION. Sec. 7. LOCAL PLANS. (1) Local governments are  
31 required to implement local elements of the work plan subject to the  
32 availability of appropriated funds or other funding sources.

33 (2) The action team shall review the progress of local governments  
34 regarding the timely implementation of local elements of the work plan.  
35 Where prescribed actions have not been accomplished in accordance with  
36 the work plan, the responsible local government shall, at the request  
37 of the action team, submit written explanations for the shortfalls,

1 together with the local government's proposed remedies, to the action  
2 team.

3 NEW SECTION. **Sec. 8.** PUBLIC PARTICIPATION. The chair of the  
4 action team shall hold public hearings to solicit public comment on the  
5 work plan.

6 NEW SECTION. **Sec. 9.** RULE MAKING. (1) By January 1, 1997, the  
7 department of ecology shall adopt chapter 400-12 WAC with revisions as  
8 determined by the action team. The action team shall make revisions  
9 that:

10 (a) Direct counties to develop a prioritized list of watershed  
11 improvement projects;

12 (b) Identify all funding sources that can be used to implement  
13 local plans;

14 (c) Develop grant and loan criteria consistent with the criteria  
15 established under section 10 of this act; and

16 (d) Coordinate provisions relating to storm water with revisions to  
17 chapter 173-270 WAC.

18 (2) By July 1, 1997, the department of ecology shall revise its  
19 storm water runoff rule, chapter 173-270 WAC, based on determinations  
20 made by the action team. In making revisions to this rule, the action  
21 team shall:

22 (a) Reduce the overlap and streamline storm water rules, including  
23 but not limited to the coordination of requirements established through  
24 storm water discharge permits;

25 (b) Identify and prioritize storm water retrofit programs;

26 (c) Develop methods to maximize cost efficiencies for proposed  
27 projects;

28 (d) Establish roles and responsibilities of state agencies to  
29 provide technical assistance and to facilitate technology transfer;

30 (e) Develop methods for monitoring and evaluating activities  
31 carried out under the program;

32 (f) Determine a process for evaluating off-site placement of storm  
33 water facilities and out-of-kind mitigation for storm water impact  
34 within a watershed in which a transportation project is located;

35 (g) Ensure adequate maintenance of storm water facilities;

36 (h) Identify potential funding sources and develop funding  
37 mechanisms to implement the regulatory requirements of this rule;

1 (i) Impose rules on a schedule that can be accomplished within  
2 available funds; and

3 (j) Coordinate provisions relating to mitigation in chapter 400-12  
4 WAC.

5 (3) The department of ecology shall submit a copy of the rule to  
6 the action team after the public hearing process and before final  
7 adoption of the rule.

8 NEW SECTION. Sec. 10. CONSOLIDATED FUNDING. (1) The action team  
9 shall design a funding mechanism to support the implementation of local  
10 plans. The funding mechanism is intended to provide grants or loans  
11 from any combination of fund sources available to the action team  
12 through its members' existing budgets. In implementing the funding  
13 mechanism, the action team shall make every effort to keep the  
14 application and funding process simple for those applying.

15 (2) The action team shall identify any existing fund sources that  
16 may need statutory modification in order to be used to implement the  
17 work plan or to provide to local jurisdictions to implement local  
18 plans. The action team shall report to the legislature by December 1,  
19 1996, regarding its finding.

20 (3) The action team shall develop grant criteria and loan criteria  
21 that:

22 (a) Give priority to implementation over planning;

23 (b) Achieve cost efficiencies;

24 (c) Give priority to local plans that have secured local funding,  
25 including in-kind contributions; and

26 (d) Give priority to counties that exercise their authority under  
27 RCW 36.94.020 as amended by chapter . . . , Laws of 1996 (Second  
28 Substitute Senate Bill No. 5247) to consolidate and coordinate their  
29 water pollution activities under a sewerage and/or water general plan.

30 NEW SECTION. Sec. 11. A new section is added to chapter 28B.20  
31 RCW to read as follows:

32 The president of the University of Washington shall be a member of  
33 the Puget Sound water quality action team created in section 3 of this  
34 act.

35 NEW SECTION. Sec. 12. A new section is added to chapter 28B.30  
36 RCW to read as follows:

1 The president of Washington State University shall be a member of  
2 the Puget Sound water quality action team created in section 3 of this  
3 act.

4 **Sec. 13.** RCW 43.21A.064 and 1995 c 8 s 3 are each amended to read  
5 as follows:

6 Subject to RCW 43.21A.068, the director of the department of  
7 ecology shall have the following powers and duties:

8 (1) The supervision of public waters within the state and their  
9 appropriation, diversion, and use, and of the various officers  
10 connected therewith;

11 (2) Insofar as may be necessary to assure safety to life or  
12 property, (~~he shall inspect~~) inspection of the construction of all  
13 dams, canals, ditches, irrigation systems, hydraulic power plants, and  
14 all other works, systems, and plants pertaining to the use of water,  
15 and (~~he~~) the director may require such necessary changes in the  
16 construction or maintenance of said works, to be made from time to  
17 time, as will reasonably secure safety to life and property;

18 (3) (~~He shall regulate~~) Regulation and control the diversion of  
19 water in accordance with the rights thereto;

20 (4) (~~He shall determine~~) Determining the discharge of streams and  
21 springs and other sources of water supply, and the capacities of lakes  
22 and of reservoirs whose waters are being or may be utilized for  
23 beneficial purposes;

24 (5) (~~He shall keep~~) Keeping such records as may be necessary for  
25 the recording of the financial transactions and statistical data  
26 thereof, and (~~shall procure~~) procurement of all necessary documents,  
27 forms, and blanks. (~~He~~) The director shall keep a seal of the  
28 office, and all certificates by (~~him~~) the director covering any of  
29 (~~his~~) the director's acts or the acts of (~~his~~) office, or the  
30 records and files of (~~his~~) the director's office, under such seal,  
31 shall be taken as evidence thereof in all courts;

32 (6) (~~He shall render~~) Rendering when required by the governor, a  
33 full written report of the work of (~~his~~) the office with such  
34 recommendations for legislation as (~~he~~) may (~~deem~~) be advisable for  
35 the better control and development of the water resources of the state;

36 (7) (~~The director and~~) In addition to duly authorized deputies  
37 (~~may~~), to administer oaths;

1       (8) (~~He shall establish and promulgate~~) To adopt rules governing  
2 the administration of chapter 90.03 RCW;

3       (9) (~~He shall~~) Be a member of the Puget Sound water quality  
4 action team created in section 3 of this act; and

5       (10) To perform such other duties as may be prescribed by law.

6       NEW SECTION. Sec. 14. A new section is added to chapter 43.23 RCW  
7 to read as follows:

8       The director of agriculture shall be a member of the Puget Sound  
9 water quality action team created in section 3 of this act.

10       NEW SECTION. Sec. 15. A new section is added to chapter 43.30 RCW  
11 to read as follows:

12       The administrator shall be a member of the Puget Sound water  
13 quality action team created in section 3 of this act.

14       NEW SECTION. Sec. 16. A new section is added to chapter 43.51 RCW  
15 to read as follows:

16       The director employed pursuant to RCW 43.51.061 shall be a member  
17 of the Puget Sound water quality action team created in section 3 of  
18 this act.

19       **Sec. 17.** RCW 43.70.040 and 1995 c 403 s 105 are each amended to  
20 read as follows:

21       (1) In addition to any other powers granted the secretary, the  
22 secretary may:

23       (~~(1)~~) (a) Adopt, in accordance with chapter 34.05 RCW, rules  
24 necessary to carry out the provisions of chapter 9, Laws of 1989 1st  
25 ex. sess.: PROVIDED, That for rules adopted after July 23, 1995, the  
26 secretary may not rely solely on a section of law stating a statute's  
27 intent or purpose, on the enabling provisions of the statute  
28 establishing the agency, or on any combination of such provisions, for  
29 statutory authority to adopt any rule;

30       (~~(2)~~) (b) Appoint such advisory committees as may be necessary to  
31 carry out the provisions of chapter 9, Laws of 1989 1st ex. sess.  
32 Members of such advisory committees are authorized to receive travel  
33 expenses in accordance with RCW 43.03.050 and 43.03.060. The secretary  
34 and the board of health shall review each advisory committee within  
35 their jurisdiction and each statutory advisory committee on a biennial

1 basis to determine if such advisory committee is needed. The criteria  
2 specified in RCW 43.131.070 shall be used to determine whether or not  
3 each advisory committee shall be continued;

4 ~~((+3))~~ (c) Undertake studies, research, and analysis necessary to  
5 carry out the provisions of chapter 9, Laws of 1989 1st ex. sess. in  
6 accordance with RCW 43.70.050;

7 ~~((+4))~~ (d) Delegate powers, duties, and functions of the  
8 department to employees of the department as the secretary deems  
9 necessary to carry out the provisions of chapter 9, Laws of 1989 1st  
10 ex. sess.;

11 ~~((+5))~~ (e) Enter into contracts on behalf of the department to  
12 carry out the purposes of chapter 9, Laws of 1989 1st ex. sess.;

13 ~~((+6))~~ (f) Act for the state in the initiation of, or the  
14 participation in, any intergovernmental program to the purposes of  
15 chapter 9, Laws of 1989 1st ex. sess.; or

16 ~~((+7))~~ (g) Accept gifts, grants, or other funds.

17 (2) The secretary shall be a member of the Puget Sound water  
18 quality action team created in section 3 of this act.

19 **Sec. 18.** RCW 43.99.025 and 1989 c 237 s 4 are each amended to read  
20 as follows:

21 The director shall have the following powers and duties:

22 (1) To supervise the administrative operations of the committee and  
23 its staff;

24 (2) To administer recreation grant-in-aid programs and provide  
25 technical assistance to state and local agencies;

26 (3) To prepare and update a strategic plan for the acquisition,  
27 renovation, and development of recreational resources and the  
28 preservation and conservation of open space. The plan shall be  
29 prepared in coordination with the office of the governor and the office  
30 of financial management, with participation of federal, state, and  
31 local agencies having recreational responsibilities, user groups,  
32 private sector interests, and the general public. The plan shall be  
33 submitted to the committee for review, and the committee shall submit  
34 its recommendations on the plan to the governor. The plan shall  
35 include, but is not limited to: (a) an inventory of current resources;  
36 (b) a forecast of recreational resource demand; (c) identification and  
37 analysis of actual and potential funding sources; (d) a process for  
38 broad scale information gathering; (e) an assessment of the

1 capabilities and constraints, both internal and external to state  
2 government, that affect the ability of the state to achieve the goals  
3 of the plan; (f) an analysis of strategic options and decisions  
4 available to the state; (g) an implementation strategy that is  
5 coordinated with executive policy and budget priorities; and (h)  
6 elements necessary to qualify for participation in or the receipt of  
7 aid from any federal program for outdoor recreation;

8 (4) To represent and promote the interests of the state on  
9 recreational issues and further the mission of the committee;

10 (5) Upon approval of the committee, to enter into contracts and  
11 agreements with private nonprofit corporations to further state goals  
12 of preserving, conserving, and enhancing recreational resources and  
13 open space for the public benefit and use;

14 (6) To appoint such technical and other committees as may be  
15 necessary to carry out the purposes of this chapter;

16 (7) To create and maintain a repository for data, studies,  
17 research, and other information relating to recreation in the state,  
18 and to encourage the interchange of such information;

19 (8) To encourage and provide opportunities for interagency and  
20 regional coordination and cooperative efforts between public agencies  
21 and between public and private entities involved in the development and  
22 preservation of recreational resources; ((and))

23 (9) To prepare the state trails plan, as required by RCW 67.32.050;  
24 and

25 (10) To be a member of the Puget Sound water quality action team  
26 created in section 3 of this act.

27 **Sec. 19.** RCW 43.300.040 and 1993 sp.s. c 2 s 5 are each amended to  
28 read as follows:

29 In addition to other powers and duties granted or transferred to  
30 the director, the director shall have the following powers and duties:

31 (1) Supervise and administer the department in accordance with law;

32 (2) Appoint personnel and prescribe their duties. Except as  
33 otherwise provided, personnel of the department are subject to chapter  
34 41.06 RCW, the state civil service law;

35 (3) Enter into contracts on behalf of the agency;

36 (4) Adopt rules in accordance with chapter 34.05 RCW, the  
37 administrative procedure act;

1 (5) Delegate powers, duties, and functions as the director deems  
2 necessary for efficient administration but the director shall be  
3 responsible for the official acts of the officers and employees of the  
4 department;

5 (6) Appoint advisory committees and undertake studies, research,  
6 and analysis necessary to support the activities of the department;

7 (7) Accept and expend grants, gifts, or other funds to further the  
8 purposes of the department;

9 (8) Carry out the policies of the governor and the basic goals and  
10 objectives as prescribed by the fish and wildlife commission pursuant  
11 to RCW 77.04.055; (~~and~~)

12 (9) Be a member of the Puget Sound water quality action team  
13 created in section 3 of this act; and

14 (10) Perform other duties as are necessary and consistent with law.

15 **Sec. 20.** RCW 47.01.101 and 1987 c 505 s 48 and 1987 c 179 s 1 are  
16 each reenacted and amended to read as follows:

17 The secretary shall have the authority and it shall be his or her  
18 duty, subject to policy guidance from the commission:

19 (1) To serve as chief executive officer of the department with full  
20 administrative authority to direct all its activities;

21 (2) To organize the department as he or she may deem necessary to  
22 carry out the work and responsibilities of the department effectively;

23 (3) To designate and establish such transportation district or  
24 branch offices as may be necessary or convenient, and to appoint  
25 assistants and delegate any powers, duties, and functions to them or  
26 any officer or employee of the department as deemed necessary to  
27 administer the department efficiently;

28 (4) To direct and coordinate the programs of the various divisions  
29 of the department to assure that they achieve the greatest possible  
30 mutual benefit, produce a balanced overall effort, and eliminate  
31 unnecessary duplication of activity;

32 (5) To adopt all department rules that are subject to the adoption  
33 procedures contained in the state administrative procedure act, except  
34 rules subject to adoption by the commission pursuant to statute;

35 (6) To maintain and safeguard the official records of the  
36 department, including the commission's recorded resolutions and orders;

37 (7) To provide full staff support to the commission to assist it in  
38 carrying out its functions, powers, and duties and to execute the

1 policy established by the commission pursuant to its legislative  
2 authority;

3 (8) To execute and implement the biennial operating budget for the  
4 operation of the department in accordance with chapter 43.88 RCW and  
5 with legislative appropriation and, in such manner as prescribed  
6 therein, to make and report to the commission and the chairs of the  
7 transportation committees of the senate and house of representatives,  
8 including one copy to the staff of each of the committees, deviations  
9 from the planned biennial category A and H highway construction  
10 programs necessary to adjust to unexpected delays or other  
11 unanticipated circumstances((-));

12 (9) To be a member of the Puget Sound water quality action team  
13 created in section 3 of this act; and

14 (10) To exercise all other powers and perform all other duties as  
15 are now or hereafter provided by law.

16 NEW SECTION. Sec. 21. A new section is added to chapter 77.12 RCW  
17 to read as follows:

18 The director shall be a member of the Puget Sound water quality  
19 action team created in section 3 of this act.

20 NEW SECTION. Sec. 22. A new section is added to chapter 89.08 RCW  
21 to read as follows:

22 The administrative officer designated in RCW 89.08.050 shall be a  
23 member of the Puget Sound water quality action team created in section  
24 3 of this act.

25 **Sec. 23.** RCW 43.88.030 and 1994 c 247 s 7 and 1994 c 219 s 2 are  
26 each reenacted and amended to read as follows:

27 (1) The director of financial management shall provide all agencies  
28 with a complete set of instructions for submitting biennial budget  
29 requests to the director at least three months before agency budget  
30 documents are due into the office of financial management. The  
31 director shall provide agencies that are required under RCW 44.40.070  
32 to develop comprehensive six-year program and financial plans with a  
33 complete set of instructions for submitting these program and financial  
34 plans at the same time that instructions for submitting other budget  
35 requests are provided. The budget document or documents shall consist  
36 of the governor's budget message which shall be explanatory of the

1 budget and shall contain an outline of the proposed financial policies  
2 of the state for the ensuing fiscal period, as well as an outline of  
3 the proposed six-year financial policies where applicable, and shall  
4 describe in connection therewith the important features of the budget.  
5 The message shall set forth the reasons for salient changes from the  
6 previous fiscal period in expenditure and revenue items and shall  
7 explain any major changes in financial policy. Attached to the budget  
8 message shall be such supporting schedules, exhibits and other  
9 explanatory material in respect to both current operations and capital  
10 improvements as the governor shall deem to be useful to the  
11 legislature. The budget document or documents shall set forth a  
12 proposal for expenditures in the ensuing fiscal period, or six-year  
13 period where applicable, based upon the estimated revenues as approved  
14 by the economic and revenue forecast council or upon the estimated  
15 revenues of the office of financial management for those funds,  
16 accounts, and sources for which the office of the economic and revenue  
17 forecast council does not prepare an official forecast, including those  
18 revenues anticipated to support the six-year programs and financial  
19 plans under RCW 44.40.070. In estimating revenues to support financial  
20 plans under RCW 44.40.070, the office of financial management shall  
21 rely on information and advice from the interagency revenue task force.  
22 Revenues shall be estimated for such fiscal period from the source and  
23 at the rates existing by law at the time of submission of the budget  
24 document, including the supplemental budgets submitted in the even-  
25 numbered years of a biennium. However, the estimated revenues for use  
26 in the governor's budget document may be adjusted to reflect budgetary  
27 revenue transfers and revenue estimates dependent upon budgetary  
28 assumptions of enrollments, workloads, and caseloads. All adjustments  
29 to the approved estimated revenues must be set forth in the budget  
30 document. The governor may additionally submit, as an appendix to each  
31 supplemental, biennial, or six-year agency budget or to the budget  
32 document or documents, a proposal for expenditures in the ensuing  
33 fiscal period from revenue sources derived from proposed changes in  
34 existing statutes.

35 Supplemental and biennial documents shall reflect a six-year  
36 expenditure plan consistent with estimated revenues from existing  
37 sources and at existing rates for those agencies required to submit  
38 six-year program and financial plans under RCW 44.40.070. Any  
39 additional revenue resulting from proposed changes to existing statutes

1 shall be separately identified within the document as well as related  
2 expenditures for the six-year period.

3 The budget document or documents shall also contain:

4 (a) Revenues classified by fund and source for the immediately past  
5 fiscal period, those received or anticipated for the current fiscal  
6 period, those anticipated for the ensuing biennium, and those  
7 anticipated for the ensuing six-year period to support the six-year  
8 programs and financial plans required under RCW 44.40.070;

9 (b) The undesignated fund balance or deficit, by fund;

10 (c) Such additional information dealing with expenditures,  
11 revenues, workload, performance, and personnel as the legislature may  
12 direct by law or concurrent resolution;

13 (d) Such additional information dealing with revenues and  
14 expenditures as the governor shall deem pertinent and useful to the  
15 legislature;

16 (e) Tabulations showing expenditures classified by fund, function,  
17 activity and object;

18 (f) A delineation of each agency's activities, including those  
19 activities funded from nonbudgeted, nonappropriated sources, including  
20 funds maintained outside the state treasury;

21 (g) Identification of all proposed direct expenditures to implement  
22 the Puget Sound water quality plan under chapters 90.70 and 90.--  
23 (sections 1 through 5, 7 through 10, and 26 of this act) RCW, shown by  
24 agency and in total. At the same time the Puget Sound water quality  
25 action team provides the work plan and associated budget to the office  
26 of financial management according to the budget instructions required  
27 in subsection (1) of this section, the Puget Sound water quality action  
28 team shall provide a copy to the appropriate policy and fiscal  
29 committees of the legislature; and

30 (h) Tabulations showing each postretirement adjustment by  
31 retirement system established after fiscal year 1991, to include, but  
32 not be limited to, estimated total payments made to the end of the  
33 previous biennial period, estimated payments for the present biennium,  
34 and estimated payments for the ensuing biennium.

35 (2) The budget document or documents shall include detailed  
36 estimates of all anticipated revenues applicable to proposed operating  
37 or capital expenditures and shall also include all proposed operating  
38 or capital expenditures. The total of beginning undesignated fund  
39 balance and estimated revenues less working capital and other reserves

1 shall equal or exceed the total of proposed applicable expenditures.

2 The budget document or documents shall further include:

3 (a) Interest, amortization and redemption charges on the state  
4 debt;

5 (b) Payments of all reliefs, judgments and claims;

6 (c) Other statutory expenditures;

7 (d) Expenditures incident to the operation for each agency;

8 (e) Revenues derived from agency operations;

9 (f) Expenditures and revenues shall be given in comparative form  
10 showing those incurred or received for the immediately past fiscal  
11 period and those anticipated for the current biennium and next ensuing  
12 biennium, as well as those required to support the six-year programs  
13 and financial plans required under RCW 44.40.070;

14 (g) A showing and explanation of amounts of general fund and other  
15 funds obligations for debt service and any transfers of moneys that  
16 otherwise would have been available for appropriation;

17 (h) Common school expenditures on a fiscal-year basis;

18 (i) A showing, by agency, of the value and purpose of financing  
19 contracts for the lease/purchase or acquisition of personal or real  
20 property for the current and ensuing fiscal periods; and

21 (j) A showing and explanation of anticipated amounts of general  
22 fund and other funds required to amortize the unfunded actuarial  
23 accrued liability of the retirement system specified under chapter  
24 41.45 RCW, and the contributions to meet such amortization, stated in  
25 total dollars and as a level percentage of total compensation.

26 (3) A separate capital budget document or schedule shall be  
27 submitted that will contain the following:

28 (a) A statement setting forth a long-range facilities plan for the  
29 state that identifies and includes the highest priority needs within  
30 affordable spending levels;

31 (b) A capital program consisting of proposed capital projects for  
32 the next biennium and the two biennia succeeding the next biennium  
33 consistent with the long-range facilities plan. Inasmuch as is  
34 practical, and recognizing emergent needs, the capital program shall  
35 reflect the priorities, projects, and spending levels proposed in  
36 previously submitted capital budget documents in order to provide a  
37 reliable long-range planning tool for the legislature and state  
38 agencies;

- 1 (c) A capital plan consisting of proposed capital spending for at  
2 least four biennia succeeding the next biennium;
- 3 (d) A statement of the reason or purpose for a project;
- 4 (e) Verification that a project is consistent with the provisions  
5 set forth in chapter 36.70A RCW;
- 6 (f) A statement about the proposed site, size, and estimated life  
7 of the project, if applicable;
- 8 (g) Estimated total project cost;
- 9 (h) For major projects valued over five million dollars, estimated  
10 costs for the following project components: Acquisition, consultant  
11 services, construction, equipment, project management, and other costs  
12 included as part of the project. Project component costs shall be  
13 displayed in a standard format defined by the office of financial  
14 management to allow comparisons between projects;
- 15 (i) Estimated total project cost for each phase of the project as  
16 defined by the office of financial management;
- 17 (j) Estimated ensuing biennium costs;
- 18 (k) Estimated costs beyond the ensuing biennium;
- 19 (l) Estimated construction start and completion dates;
- 20 (m) Source and type of funds proposed;
- 21 (n) Estimated ongoing operating budget costs or savings resulting  
22 from the project, including staffing and maintenance costs;
- 23 (o) For any capital appropriation requested for a state agency for  
24 the acquisition of land or the capital improvement of land in which the  
25 primary purpose of the acquisition or improvement is recreation or  
26 wildlife habitat conservation, the capital budget document, or an  
27 omnibus list of recreation and habitat acquisitions provided with the  
28 governor's budget document, shall identify the projected costs of  
29 operation and maintenance for at least the two biennia succeeding the  
30 next biennium. Omnibus lists of habitat and recreation land  
31 acquisitions shall include individual project cost estimates for  
32 operation and maintenance as well as a total for all state projects  
33 included in the list. The document shall identify the source of funds  
34 from which the operation and maintenance costs are proposed to be  
35 funded;
- 36 (p) Such other information bearing upon capital projects as the  
37 governor deems to be useful;
- 38 (q) Standard terms, including a standard and uniform definition of  
39 maintenance for all capital projects;

1 (r) Such other information as the legislature may direct by law or  
2 concurrent resolution.

3 For purposes of this subsection (3), the term "capital project"  
4 shall be defined subsequent to the analysis, findings, and  
5 recommendations of a joint committee comprised of representatives from  
6 the house capital appropriations committee, senate ways and means  
7 committee, legislative transportation committee, legislative evaluation  
8 and accountability program committee, and office of financial  
9 management.

10 (4) No change affecting the comparability of agency or program  
11 information relating to expenditures, revenues, workload, performance  
12 and personnel shall be made in the format of any budget document or  
13 report presented to the legislature under this section or RCW  
14 43.88.160(1) relative to the format of the budget document or report  
15 which was presented to the previous regular session of the legislature  
16 during an odd-numbered year without prior legislative concurrence.  
17 Prior legislative concurrence shall consist of (a) a favorable majority  
18 vote on the proposal by the standing committees on ways and means of  
19 both houses if the legislature is in session or (b) a favorable  
20 majority vote on the proposal by members of the legislative evaluation  
21 and accountability program committee if the legislature is not in  
22 session.

23 NEW SECTION. **Sec. 24.** The following acts or parts of acts are  
24 each repealed:

- 25 (1) RCW 90.70.027 and 1992 c 63 s 15;
- 26 (2) RCW 90.70.075 and 1990 c 115 s 10;
- 27 (3) RCW 90.70.090 and 1990 c 115 s 8; and
- 28 (4) RCW 90.70.100 and 1991 c 200 s 502.

29 NEW SECTION. **Sec. 25.** RCW 90.70.065 and 90.70.902 are each  
30 recodified as new sections in the new chapter created in section 27 of  
31 this act.

32 NEW SECTION. **Sec. 26.** CAPTIONS NOT LAW. Captions used in this  
33 chapter do not constitute any part of the law.

34 NEW SECTION. **Sec. 27.** This act may be known and cited as the  
35 Puget Sound water quality protection act.

1        NEW SECTION.    **Sec. 28.**    Sections 1 through 5, 7 through 10, 26, and  
2    27 of this act shall constitute a new chapter in Title 90 RCW.

3        NEW SECTION.    **Sec. 29.**    (1) The sum of one hundred thousand  
4    dollars, or as much thereof as may be necessary, is appropriated for  
5    the fiscal year ending June 30, 1997, from the general fund to the  
6    governor's office to hire a chair pursuant to section 4 of this act.

7        (2) The sum of one million dollars, or as much thereof as may be  
8    necessary, is appropriated for the biennium ending June 30, 1997, from  
9    the water quality account to the department of ecology to provide  
10   grants to local jurisdictions for on-site sewage system projects or  
11   programs identified in local plans. In issuing grants, the department  
12   shall give priority to areas that have formed shellfish protection  
13   districts under chapter 90.72 RCW.

14       NEW SECTION.    **Sec. 30.**    Sections 3 and 4 of this act are necessary  
15   for the immediate preservation of the public peace, health, or safety,  
16   or support of the state government and its existing public  
17   institutions, and shall take effect immediately.

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