
HOUSE BILL 1579

State of Washington

55th Legislature

1997 Regular Session

By Representatives Boldt, Dunn, Pennington, Honeyford and Lisk

Read first time 01/31/97. Referred to Committee on Government Administration.

1 AN ACT Relating to the Columbia River Gorge commission; and
2 amending RCW 43.97.015.

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

4 **Sec. 1.** RCW 43.97.015 and 1987 c 499 s 1 are each amended to read
5 as follows:

6 The legislature of the State of Washington hereby ratifies the
7 Columbia River Gorge Compact set forth below, and the provisions of
8 such compact hereby are declared to be the law of this state upon such
9 compact becoming effective as provided in Article III.

10 A compact is entered into by and between the states of Washington
11 and Oregon, signatories hereto, with the consent of the Congress of the
12 United States of America, granted by an Act entitled, "The Columbia
13 River Gorge National Scenic Area Act," P.L. 99-663.

14 ARTICLE I

15 COLUMBIA GORGE COMMISSION ESTABLISHED

16 a. The States of Oregon and Washington establish by way of this
17 interstate compact a regional agency known as the Columbia River Gorge
18 Commission. The commission established in accordance with this compact

1 shall have the power and authority to perform all functions and
2 responsibilities in accordance with the provisions of this compact and
3 of the Columbia River Gorge National Scenic Area Act (the federal Act),
4 which is incorporated by this specific reference in this agreement.
5 The commission's powers shall include, but not be limited to:

6 1. The power to sue and be sued.

7 2. The power to disapprove a land use ordinance enacted by a
8 county if the ordinance is inconsistent with the management plan, as
9 provided in P.L. 96-663, Sec. 7(b)(3)(B).

10 3. The power to enact a land use ordinance setting standards for
11 the use of nonfederal land in a county within the scenic area if the
12 county fails to enact land use ordinances consistent with the
13 management plan, as provided in P.L. 99-663, Sec. 7(c).

14 4. According to the provisions of P.L. 99-663, Sec. 10(c), the
15 power to review all proposals for major development action and new
16 residential development in each county in the scenic area, except urban
17 areas, and the power to disapprove such development if the commission
18 finds the development is inconsistent with the purposes of P.L. 99-663.

19 b. The commission shall appoint and remove or discharge such
20 personnel as may be necessary for the performance of the commission's
21 functions, irrespective of the civil service, personnel or other merit
22 system laws of any of the party states.

23 c. The commission may establish and maintain, independently or in
24 conjunction with any one or more of the party states, a suitable
25 retirement system for its full-time employees. Employees of the
26 commission shall be eligible for social security coverage in respect of
27 old age and survivors insurance provided that the commission takes such
28 steps as may be necessary pursuant to federal law to participate in
29 such program of insurance as a governmental agency or unit. The
30 commission may establish and maintain or participate in such additional
31 programs of employee benefits as may be appropriate.

32 d. The commission shall obtain the services of such professional,
33 technical, clerical and other personnel as may be deemed necessary to
34 enable it to carry out its functions under this compact. The
35 commission shall work with the Washington state department of
36 community, trade, and economic development to assist the Washington
37 Columbia River Gorge Compact counties in developing land use ordinances
38 that are consistent with the scenic area management plan as required
39 under 16 U.S.C. Sec. 544e(b). The commission may borrow, accept, or

1 contract for the services of personnel from any state of the United
2 States or any subdivision or agency thereof, from any interstate
3 agency, or from any institution, person, firm or corporation.

4 e. Funds necessary to fulfill the powers and duties imposed upon
5 and entrusted to the commission shall be provided as appropriated by
6 the legislatures of the states in accordance with Article IV. The
7 commission may also receive gifts, grants, endowments and other funds
8 from public or private sources as may be made from time to time, in
9 trust or otherwise, for the use and benefit of the purposes of the
10 commission and expend the same or any income therefrom according to the
11 terms of the gifts, grants, endowments or other funds.

12 f. The commission may establish and maintain such facilities as may
13 be necessary for the transacting of its business. The commission may
14 acquire, hold and convey real and personal property and any interest
15 therein.

16 g. The commission shall adopt bylaws, rules, and regulations for
17 the conduct of its business, and shall have the power to amend and
18 rescind these bylaws, rules and regulations. The commission shall
19 publish its bylaws, rules and regulations in convenient form and shall
20 file a copy thereof and of any amendment thereto, with the appropriate
21 agency or officer in each of the party states.

22 ARTICLE II

23 THE COMMISSION MEMBERSHIP

24 a. The commission shall be made up of twelve voting members
25 appointed by the states, as set forth herein, and one non-voting member
26 appointed by the U.S. Secretary of Agriculture.

27 b. Each state governor shall appoint the members of the commission
28 as provided in the federal Act (three members who reside in the State
29 of Oregon, including one resident of the scenic area, to be appointed
30 by the Governor of Oregon, and three members who reside in the State of
31 Washington, including one resident of the scenic area, appointed by the
32 Governor of Washington).

33 c. One additional member shall be appointed by the governing body
34 of each of the respective counties of (~~Clark, Klickitat, and Skamania~~
35 ~~in Washington, and~~) Hood River, Multnomah, and Wasco in Oregon,
36 provided that in the event the governing body of a county fails to make
37 such an appointment, the Governor of the state in which the county is
38 located shall appoint such a member. In Washington, one additional

1 nonpartisan member from each of the respective counties of the
2 Washington scenic area, comprised of Clark, Klickitat, and Skamania
3 counties, shall be nominated at a primary election and elected in a
4 general election by the registered voters of each respective Washington
5 scenic area county.

6 d. The terms of the members and procedure for filling vacancies
7 shall all be as set forth in the federal Act, except that in
8 Washington, vacancies shall be filled under RCW 42.12.070.

9 ARTICLE III

10 EFFECTIVE DATE OF COMPACT AND COMMISSION

11 This compact shall take effect, and the commission may exercise its
12 authorities pursuant to the compact and pursuant to the Columbia River
13 Gorge National Scenic Area Act when it has been ratified by both states
14 and upon the appointment of four initial members from each state. The
15 date of this compact shall be the date of the establishment of the
16 commission.

17 ARTICLE IV

18 FUNDING

19 a. The States of Washington and Oregon hereby agree to provide by
20 separate agreement or statute of each state for funding necessary to
21 effectuate the commission, including the establishment of compensation
22 or expenses of commission members from each state which shall be paid
23 by the state of origin.

24 b. The commission shall submit to the Governor or designated
25 officer or officers of each party state a budget of its estimated
26 expenditures for such period as may be required by the laws of that
27 jurisdiction for presentation to the legislature thereof.

28 c. Subject to appropriation by their respective legislatures, the
29 commission shall be provided with such funds by each of the party
30 states as are necessary to provide the means of establishing and
31 maintaining facilities, a staff of personnel, and such activities as
32 may be necessary to fulfill the powers and duties imposed upon and
33 entrusted to the commission.

34 d. The commission's proposed budget and expenditures shall be
35 apportioned equally between the states.

36 e. The commission shall keep accurate accounts of all receipts and
37 disbursements. The receipts and disbursements of the commission shall

1 be subject to the audit and accounting procedures established under its
2 bylaws. However, all receipts and disbursements of funds handled by
3 the commission shall be audited yearly by the appropriate state
4 auditing official and the report of the audit shall be included in and
5 become a part of the annual report of the commission.

6 f. The accounts of the commission shall be open at any reasonable
7 time for inspection by the public.

8 ARTICLE V
9 SEVERABILITY

10 If any provision of this compact, or its application to any person
11 or circumstance, is held to be invalid, all other provisions of this
12 compact, and the application of all of its provisions to all other
13 persons and circumstances, shall remain valid, and to this end the
14 provisions of this compact are severable.

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