
HOUSE BILL 2738

State of Washington 55th Legislature 1998 Regular Session

By Representatives Sehlin and Mastin

Read first time 01/19/98. Referred to Committee on Capital Budget.

1 AN ACT Relating to fish and fish habitat; amending RCW 43.160.060,
2 43.21J.020, 43.51.275, 43.51.310, 43.83A.020, 43.83B.020, 43.83B.355,
3 43.98B.010, 43.99.080, 46.09.020, 46.68.070, 47.26.080, 47.60.505,
4 47.60.645, 70.105D.070, 70.146.030, 70.95.800, 76.12.110, 77.12.020,
5 78.44.045, 79.24.580, 79.64.020, 79.71.090, 79.90.555, 82.44.180,
6 86.26.090, 90.48.400, and 90.50A.030; and reenacting and amending RCW
7 43.155.050.

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

9 **Sec. 1.** RCW 43.155.050 and 1995 2nd sp.s. c 18 s 918 and 1995 c
10 376 s 11 are each reenacted and amended to read as follows:

11 The public works assistance account is hereby established in the
12 state treasury. Money may be placed in the public works assistance
13 account from the proceeds of bonds when authorized by the legislature
14 or from any other lawful source. Money in the public works assistance
15 account shall be used to make loans and to give financial guarantees to
16 local governments for public works projects, including projects that
17 benefit fish or improve fish habitat. Moneys in the account may also
18 be appropriated to provide for state match requirements under federal
19 law for projects and activities conducted and financed by the board

1 under the drinking water assistance account. ((During the 1995-97
2 fiscal biennium, moneys in the public works assistance account may be
3 appropriated for transfer to the flood control assistance account to be
4 used for flood control assistance, including grants under chapter 86.26
5 RCW. To the extent that moneys in the public works assistance account
6 are not appropriated during the 1995-97 fiscal biennium for public
7 works or flood control assistance, the legislature may direct their
8 transfer to the state general fund. In awarding grants under chapter
9 86.26 RCW, the department of ecology shall give strong preference to
10 local governments that have: (1) Implemented, or are in the process of
11 implementing, an ordinance that establishes a flood plain policy that
12 is substantially more stringent than minimum federal requirements; (2)
13 completed a comprehensive flood control plan meeting the requirements
14 of RCW 86.12.200; or (3) constructed, or are in the process of
15 constructing, a system of overtopping dikes or levees that allow public
16 access.))

17 **Sec. 2.** RCW 43.160.060 and 1996 c 51 s 5 are each amended to read
18 as follows:

19 The board is authorized to make direct loans to political
20 subdivisions of the state for the purposes of assisting the political
21 subdivisions in financing the cost of public facilities, including
22 development of land and improvements for public facilities, as well as
23 the construction, rehabilitation, alteration, expansion, or improvement
24 of the facilities and projects that benefit fish or fish habitat water
25 resource inventory areas. A grant may also be authorized for purposes
26 designated in this chapter, but only when, and to the extent that, a
27 loan is not reasonably possible, given the limited resources of the
28 political subdivision and the finding by the board that unique
29 circumstances exist. The board shall not obligate more than twenty
30 percent of its biennial appropriation as grants.

31 Application for funds shall be made in the form and manner as the
32 board may prescribe. In making grants or loans the board shall conform
33 to the following requirements:

34 (1) The board shall not provide financial assistance:

35 (a) For a project the primary purpose of which is to facilitate or
36 promote a retail shopping development or expansion.

1 (b) For any project that evidence exists would result in a
2 development or expansion that would displace existing jobs in any other
3 community in the state.

4 (c) For the acquisition of real property, including buildings and
5 other fixtures which are a part of real property.

6 (2) The board shall only provide financial assistance:

7 (a) For those projects which would result in specific private
8 developments or expansions (i) in manufacturing, production, food
9 processing, assembly, warehousing, and industrial distribution; (ii)
10 for processing recyclable materials or for facilities that support
11 recycling, including processes not currently provided in the state,
12 including but not limited to, de-inking facilities, mixed waste paper,
13 plastics, yard waste, and problem-waste processing; (iii) for
14 manufacturing facilities that rely significantly on recyclable
15 materials, including but not limited to waste tires and mixed waste
16 paper; (iv) which support the relocation of businesses from
17 nondistressed urban areas to distressed rural areas; or (v) which
18 substantially support the trading of goods or services outside of the
19 state's borders.

20 (b) For projects which it finds will improve the opportunities for
21 the successful maintenance, establishment, or expansion of industrial
22 or commercial plants or will otherwise assist in the creation or
23 retention of long-term economic opportunities.

24 (c) When the application includes convincing evidence that a
25 specific private development or expansion is ready to occur and will
26 occur only if the public facility improvement is made.

27 (3) The board shall prioritize each proposed project according to
28 the relative benefits provided to the community by the jobs the project
29 would create, not just the total number of jobs it would create after
30 the project is completed and according to the unemployment rate in the
31 area in which the jobs would be located. As long as there is more
32 demand for financial assistance than there are funds available, the
33 board is instructed to fund projects in order of their priority.

34 (4) A responsible official of the political subdivision shall be
35 present during board deliberations and provide information that the
36 board requests.

37 Before any financial assistance application is approved, the
38 political subdivision seeking the assistance must demonstrate to the
39 community economic revitalization board that no other timely source of

1 funding is available to it at costs reasonably similar to financing
2 available from the community economic revitalization board.

3 **Sec. 3.** RCW 43.21J.020 and 1993 c 516 s 3 are each amended to read
4 as follows:

5 (1) The environmental and forest restoration account is established
6 in the state treasury. Money in the account may be spent only after
7 appropriation by the legislature and in a manner consistent with this
8 chapter. Private nonprofit organizations and state, local, and tribal
9 entities are eligible for funds under this chapter. Money in the
10 account may be used to make grants, loans, or interagency contracts as
11 needed to implement environmental ~~((and))~~, forest, and fish restoration
12 projects.

13 (2) For fiscal years 1994 through 1998, at least fifty percent of
14 the funds in the environmental and forest restoration account shall be
15 used for environmental restoration and enhancement projects in rural
16 communities impacted by the decline in timber harvest levels as defined
17 in chapter 50.70 RCW and that employ displaced timber workers. These
18 projects may include watershed restoration such as removing or
19 upgrading roads to reduce erosion and sedimentation, and improvements
20 in forest habitat such as thinning and pruning. Beginning July 1,
21 1998, at least fifty percent of the funds in the environmental and
22 forest restoration account shall be used for environmental restoration
23 and enhancement projects in counties with unemployment rates above the
24 state average.

25 (3) The environmental and forest restoration account shall consist
26 of funds appropriated by law, principal and interest from the repayment
27 of loans granted under this chapter, and federal and other money
28 received by the state for deposit in the account.

29 (4) At least ten percent of the funds distributed from the
30 environmental and forest restoration account annually shall be
31 allocated to the Washington conservation corps established under
32 chapter 43.220 RCW to employ high-risk youth on projects consistent
33 with this chapter and to fund administrative support services required
34 by the senior environmental corps established under chapter 43.63A RCW.

35 (5) At least five percent of the funds distributed from the
36 environmental and forest restoration account annually shall be used for
37 contracts with nonprofit corporations to fund or finance projects,
38 including those that increase private sector investments in pollution

1 prevention activities and equipment and that are consistent with the
2 provisions of this section and RCW 43.21J.040.

3 (6) No more than five percent of the annual revenues to the
4 environmental and forest restoration account may be expended for
5 administrative purposes by any state agency or project administration;
6 however, funds expended by the Washington conservation corps shall be
7 subject solely to the limitations set forth in RCW 43.220.230.

8 (7) Except for essential administrative and supervisory purposes,
9 funds in the environmental and forest restoration account may not be
10 used for hiring permanent state employees.

11 **Sec. 4.** RCW 43.51.275 and 1995 c 211 s 7 are each amended to read
12 as follows:

13 The state parks renewal and stewardship account is created in the
14 state treasury. Except as otherwise provided in this chapter, all
15 receipts from user fees, concessions, leases, and other state park-
16 based activities shall be deposited into the account. Expenditures
17 from the account may be used for operating state parks, developing and
18 renovating park facilities, undertaking deferred maintenance, improving
19 fish habitat, enhancing park stewardship, and other state park
20 purposes. Expenditures from the account may be made only after
21 appropriation by the legislature.

22 **Sec. 5.** RCW 43.51.310 and 1991 sp.s. c 13 s 6 are each amended to
23 read as follows:

24 There is hereby created the winter recreational program account in
25 the state treasury. Special winter recreational area parking permit
26 fees collected under this chapter shall be remitted to the state
27 treasurer to be deposited in the winter recreational program account
28 and shall be appropriated only to the commission for nonsnowmobile
29 winter recreation purposes including the administration, acquisition,
30 development, operation, planning, and maintenance of winter recreation
31 facilities and the development and implementation of winter recreation,
32 safety, enforcement, ~~((and))~~ education programs, and projects that
33 benefit fish or improve fish habitat. The commission may accept gifts,
34 grants, donations, or moneys from any source for deposit in the winter
35 recreational program account.

36 Any public agency in this state may develop and implement winter
37 recreation programs. The commission may make grants to public agencies

1 and contract with any public or private agency or person to develop and
2 implement winter recreation programs.

3 **Sec. 6.** RCW 43.83A.020 and 1990 1st ex.s. c 15 s 7 are each
4 amended to read as follows:

5 For the purpose of providing funds for the planning, acquisition,
6 construction, and improvement of public waste disposal facilities and
7 the improvement of fish and fish habitat in this state, the state
8 finance committee is authorized to issue general obligation bonds of
9 the state of Washington in the sum of one hundred ninety-five million
10 dollars or so much thereof as may be required to finance the
11 improvements defined in this chapter and all costs incidental thereto.
12 As used in this section the phrase "public waste disposal facilities"
13 shall not include the acquisition of equipment used to collect, carry,
14 and transport garbage. These bonds shall be paid and discharged within
15 twenty years of the date of issuance or within thirty years should
16 Article VIII of the Constitution of the state of Washington be amended
17 to permit such longer term. No bonds authorized by this chapter shall
18 be offered for sale without prior legislative appropriation of the
19 proceeds of such bonds to be sold.

20 **Sec. 7.** RCW 43.83B.020 and 1977 ex.s. c 242 s 2 are each amended
21 to read as follows:

22 For the purpose of providing funds for the planning, acquisition,
23 construction, and improvement of water supply facilities and the
24 improvement of fish and fish habitat within the state, the state
25 finance committee is authorized to issue general obligation bonds of
26 the state of Washington in the sum of seventy-five million dollars or
27 so much thereof as may be required to finance the improvements defined
28 in this chapter and all costs incidental thereto. These bonds shall be
29 paid and discharged within twenty years of the date of issuance or
30 within thirty years should Article VIII of the Constitution of the
31 state of Washington be amended to permit such longer term. No bonds
32 authorized by this chapter shall be offered for sale without prior
33 legislative appropriation of the proceeds of such bonds to be sold.

34 **Sec. 8.** RCW 43.83B.355 and 1977 ex.s. c 1 s 12 are each amended to
35 read as follows:

1 The state finance committee is authorized to prescribe the form of
2 the bonds authorized in RCW 43.83B.300, the time of sale of all or any
3 portion or portions of such bonds, and the conditions of sale and
4 issuance thereof.

5 The bonds shall pledge the full faith and credit of the state of
6 Washington and contain an unconditional promise to pay the principal
7 and interest when due. The committee may provide that the bonds, or
8 any of them, may be called prior to the due date thereof under such
9 terms and conditions as it may determine. The state finance committee
10 may authorize the use of facsimile signatures in the issuance of the
11 bonds.

12 As used in RCW 43.83B.300, and 43.83B.355 through 43.83B.375, the
13 term "water supply facilities for water withdrawal and distribution"
14 shall mean municipal, industrial, and agricultural water supply and
15 distribution systems including, but not limited to, all equipment,
16 utilities, structures, real property, and interest in and improvements
17 on real property necessary for or incidental to the acquisition,
18 construction, installation, improvement, or use of any water supply or
19 distribution system furnishing water for agricultural, municipal
20 (~~(or)~~), industrial, fishery, or fish habitat purposes.

21 **Sec. 9.** RCW 43.98B.010 and 1992 c 153 s 3 are each amended to read
22 as follows:

23 The definitions set forth in this section apply throughout this
24 chapter.

25 (1) "Basic stewardship" means the costs associated with holding and
26 protecting property to maintain the functions for which the property
27 was acquired. It includes, but is not limited to, costs associated
28 with statutorily required in-lieu property taxes, weed and pest
29 control, fire protection, fence maintenance, cultural and
30 archaeological site protection, fish restoration efforts, basic
31 research related to maintenance of natural area preserves and natural
32 resource conservation areas, basic resource and environmental
33 protection, and meeting applicable legal requirements.

34 (2) "Improved or developed resources" means the costs associated
35 with the built or manipulated environment. It includes, but is not
36 limited to, costs associated with maintaining buildings, grounds,
37 roads, trails, water access sites, and utility systems. Also included

1 are improvements to habitat such as bank stabilization, range
2 rehabilitation, fish restoration efforts, and food and water sources.

3 (3) "Human use management" means the costs associated with visitor
4 management, education, and protection.

5 (4) "Administration" means state agency costs necessary to support
6 subsections (1) through (3) of this section. It includes, but is not
7 limited to, budget and accounting, personnel support services,
8 volunteer programs, and training.

9 **Sec. 10.** RCW 43.99.080 and 1995 c 166 s 5 are each amended to read
10 as follows:

11 Moneys transferred to the recreation resource account from the
12 marine fuel tax refund account may be used when appropriated by the
13 legislature, as well as any federal or other funds now or hereafter
14 available, to pay the necessary administrative and coordinative costs
15 of the interagency committee for outdoor recreation established by RCW
16 43.99.110. All moneys so transferred, except those appropriated as
17 aforesaid, shall be divided into two equal shares and shall be used to
18 benefit watercraft recreation in this state as follows:

19 (1) One share as grants to state agencies for (a) acquisition of
20 title to, or any interests or rights in, marine recreation land, (b)
21 capital improvement of marine recreation land, (~~(c)~~) (c) restoration
22 of fish habitat, or (d) matching funds in any case where federal or
23 other funds are made available on a matching basis for purposes
24 described in (a) (~~(b)~~) through (d) of this subsection;

25 (2) One share as grants to public bodies to help finance (a)
26 acquisition of title to, or any interests or rights in, marine
27 recreation land, (~~(b)~~) (b) capital improvement of marine recreation
28 land, or (c) restoration of fish habitat. A public body is authorized
29 to use a grant, together with its own contribution, as matching funds
30 in any case where federal or other funds are made available for
31 purposes described in (a) (~~(b)~~) through (c) of this subsection.
32 The committee may prescribe further terms and conditions for the making
33 of grants in order to carry out the purposes of this chapter.

34 **Sec. 11.** RCW 46.09.020 and 1986 c 206 s 1 are each amended to read
35 as follows:

1 As used in this chapter the following words and phrases have the
2 designated meanings unless a different meaning is expressly provided or
3 the context otherwise clearly indicates:

4 "Person" means any individual, firm, partnership, association, or
5 corporation.

6 "Nonhighway vehicle" means any motorized vehicle when used for
7 recreation travel on trails and nonhighway roads or for recreation
8 cross-country travel on any one of the following or a combination
9 thereof: Land, water, snow, ice, marsh, swampland, and other natural
10 terrain. Such vehicles include but are not limited to, off-road
11 vehicles, two, three, or four-wheel vehicles, motorcycles, four-wheel
12 drive vehicles, dune buggies, amphibious vehicles, ground effects or
13 air cushion vehicles, and any other means of land transportation
14 deriving motive power from any source other than muscle or wind.

15 Nonhighway vehicle does not include:

16 (1) Any vehicle designed primarily for travel on, over, or in the
17 water;

18 (2) Snowmobiles or any military vehicles; or

19 (3) Any vehicle eligible for a motor vehicle fuel tax exemption or
20 rebate under chapter 82.36 RCW while an exemption or rebate is claimed.
21 This exemption includes but is not limited to farm, construction, and
22 logging vehicles.

23 "Off-road vehicle" or "ORV" means any nonhighway vehicle when used
24 for cross-country travel on trails or on any one of the following or a
25 combination thereof: Land, water, snow, ice, marsh, swampland and
26 other natural terrain.

27 "ORV use permit" means a permit issued for operation of an off-road
28 vehicle under this chapter.

29 "ORV trail" means a multiple-use corridor designated and maintained
30 for recreational travel by off-road vehicles that is not normally
31 suitable for travel by conventional two-wheel drive vehicles and is
32 posted or designated by the managing authority of the property that the
33 trail traverses as permitting ORV travel.

34 "ORV use area" means the entire area of a parcel of land except for
35 camping and approved buffer areas that is posted or designated for ORV
36 use in accordance with rules adopted by the managing authority.

37 "ORV recreation facility" includes ORV trails (~~and~~), ORV use
38 areas, and efforts or projects that benefit fish or fish habitat.

1 "Owner" means the person other than the lienholder, having an
2 interest in or title to a nonhighway vehicle, and entitled to the use
3 or possession thereof.

4 "Operator" means each person who operates, or is in physical
5 control of, any nonhighway vehicle.

6 "Dealer" means a person, partnership, association, or corporation
7 engaged in the business of selling off-road vehicles at wholesale or
8 retail in this state.

9 "Department" means the department of licensing.

10 "Hunt" means any effort to kill, injure, capture, or purposely
11 disturb a wild animal or wild bird.

12 "Nonhighway road" means any road owned or managed by a public
13 agency, or any private road for which the owner has granted a permanent
14 easement for public use of the road, other than a highway generally
15 capable of travel by a conventional two-wheel drive passenger
16 automobile during most of the year and in use by such vehicles and that
17 is not built or maintained with appropriations from the motor vehicle
18 fund.

19 "Highway," for the purpose of this chapter only, means the entire
20 width between the boundary lines of every way publicly maintained by
21 the state department of transportation or any county or city when any
22 part thereof is generally open to the use of the public for purposes of
23 vehicular travel as a matter of right.

24 "Organized competitive event" means any competition, advertised in
25 advance through written notice to organized clubs or published in local
26 newspapers, sponsored by recognized clubs, and conducted at a
27 predetermined time and place.

28 **Sec. 12.** RCW 46.68.070 and 1972 ex.s. c 103 s 6 are each amended
29 to read as follows:

30 There is created in the state treasury a permanent fund to be known
31 as the motor vehicle fund to the credit of which shall be deposited all
32 moneys directed by law to be deposited therein. This fund shall be for
33 the use of the state, and through state agencies, for the use of
34 counties, cities, and towns for proper road, street, and highway
35 purposes, including the purposes of RCW 47.30.030, and environmental
36 mitigation activities that benefit fish or fish habitat resulting from
37 any road, street, and highway purposes.

1 **Sec. 13.** RCW 47.26.080 and 1994 c 179 s 8 are each amended to read
2 as follows:

3 There is hereby created in the motor vehicle fund the urban
4 arterial trust account. The intent of the urban arterial trust account
5 program is to improve the urban arterial street system of the state by
6 improving mobility and safety while supporting an environment essential
7 to the quality of life of the citizens of the state of Washington. To
8 be eligible to receive these funds, a project must be consistent with
9 the Growth Management Act, the Clean Air Act including conformity, and
10 the Commute Trip Reduction Law. The project shall consider safety,
11 mobility, and physical characteristics of the roadway and must be
12 partially funded by local government.

13 All moneys deposited in the motor vehicle fund to be credited to
14 the urban arterial trust account shall be expended for the construction
15 and improvement of city arterial streets and county arterial roads
16 within urban areas, for environmental mitigation activities that
17 benefit fish or fish habitat resulting from arterial streets and roads,
18 for expenses of the transportation improvement board in accordance with
19 RCW 47.26.140, or for the payment of principal or interest on bonds
20 issued for the purpose of constructing or improving city arterial
21 streets and county arterial roads within urban areas, or for
22 reimbursement to the state, counties, cities, and towns in accordance
23 with RCW 47.26.4252 and 47.26.4254, the amount of any payments made on
24 principal or interest on urban arterial trust account bonds from motor
25 vehicle or special fuel tax revenues which were distributable to the
26 state, counties, cities, and towns.

27 The board shall not allocate funds, nor make payments of the funds
28 under RCW 47.26.260, to any county, city, or town identified by the
29 governor under RCW 36.70A.340.

30 **Sec. 14.** RCW 47.60.505 and 1986 c 66 s 9 are each amended to read
31 as follows:

32 There is hereby created in the motor vehicle fund the Puget Sound
33 capital construction account. All moneys hereafter deposited in said
34 account shall be used by the department of transportation for:

35 (1) Reimbursing the motor vehicle fund for all transfers therefrom
36 made in accordance with RCW 47.60.620; and

37 (2) Improving the Washington state ferry system including, but not
38 limited to, vessel acquisition, vessel construction, major and minor

1 vessel improvements, terminal construction and improvements,
2 environmental mitigation activities that benefit fish or fish habitat,
3 and reconstruction or replacement of, and improvements to, the Hood
4 Canal bridge, reimbursement of the motor vehicle fund for any state
5 funds, other than insurance proceeds, expended therefrom for
6 reconstruction or replacement of and improvements to the Hood Canal
7 bridge, pursuant to proper appropriations: PROVIDED, That any funds
8 accruing to the Puget Sound capital construction account after June 30,
9 1979, which are not required to reimburse the motor vehicle fund
10 pursuant to RCW 47.60.620 as such obligations come due nor are required
11 for capital improvements of the Washington state ferries pursuant to
12 appropriations therefor shall from time to time as shall be determined
13 by the department of transportation be transferred by the state
14 treasurer to the Puget Sound ferry operations account in the motor
15 vehicle fund.

16 (3) The department may pledge any moneys in the Puget Sound capital
17 construction account or to be deposited in that account to guarantee
18 the payment of principal or interest on bonds issued to refund the
19 outstanding 1955 Washington state ferry system refunding bonds and the
20 1957 ferry and Hood Canal bridge revenue bonds.

21 The department may further pledge moneys in the Puget Sound capital
22 construction account to meet any sinking fund requirements or reserves
23 established by the department with respect to any bond issues provided
24 for in this section.

25 To the extent of any pledge authorized in this section, the
26 department shall use the first moneys available in the Puget Sound
27 capital construction account to meet such obligations as they arise,
28 and shall maintain a balance of not less than one million dollars in
29 the account for this purpose.

30 (4) The treasurer shall never transfer any moneys from the Puget
31 Sound capital construction account for use by the department for state
32 highway purposes so long as there is due and unpaid any obligations for
33 payment of principal, interest, sinking funds, or reserves as required
34 by any pledge of the Puget Sound capital construction account.
35 Whenever the department has pledged any moneys in the account for the
36 purposes authorized in this section, the state agrees to continue to
37 deposit in the Puget Sound capital construction account the motor
38 vehicle fuel taxes and special fuel taxes as provided in RCW 82.36.020
39 and 82.38.290 and further agrees that, so long as there exists any

1 outstanding obligations pursuant to such pledge, to continue to impose
2 such taxes.

3 (5) Funds in the Puget Sound capital construction account of the
4 motor vehicle fund that are not required by the department for payment
5 of principal or interest on bond issues or for any of the other
6 purposes authorized in this chapter may be invested by the department
7 in bonds and obligations of the nature eligible for the investment of
8 current state funds as provided in RCW 43.84.080.

9 **Sec. 15.** RCW 47.60.645 and 1995 2nd sp.s. c 14 s 558 are each
10 amended to read as follows:

11 There is hereby established in the transportation fund the
12 passenger ferry account. Money in the account shall be used for
13 capital improvements for passenger ferry projects including, but not
14 limited to, pedestrian and transit facilities at ferry terminals and
15 passenger-only ferry vessels, and environmental mitigation activities
16 that benefit fish or fish habitat. Moneys in the account shall be
17 expended with legislative appropriation.

18 **Sec. 16.** RCW 70.105D.070 and 1997 c 406 s 5 are each amended to
19 read as follows:

20 (1) The state toxics control account and the local toxics control
21 account are hereby created in the state treasury.

22 (2) The following moneys shall be deposited into the state toxics
23 control account: (a) Those revenues which are raised by the tax
24 imposed under RCW 82.21.030 and which are attributable to that portion
25 of the rate equal to thirty-three one-hundredths of one percent; (b)
26 the costs of remedial actions recovered under this chapter or chapter
27 70.105A RCW; (c) penalties collected or recovered under this chapter;
28 and (d) any other money appropriated or transferred to the account by
29 the legislature. Moneys in the account may be used only to carry out
30 the purposes of this chapter, including but not limited to the
31 following activities:

32 (i) The state's responsibility for hazardous waste planning,
33 management, regulation, enforcement, technical assistance, and public
34 education required under chapter 70.105 RCW;

35 (ii) The state's responsibility for solid waste planning,
36 management, regulation, enforcement, technical assistance, and public
37 education required under chapter 70.95 RCW;

1 (iii) The hazardous waste cleanup program required under this
2 chapter;

3 (iv) State matching funds required under the federal cleanup law;

4 (v) Financial assistance for local programs in accordance with
5 chapters 70.95, 70.95C, 70.95I, and 70.105 RCW;

6 (vi) State government programs for the safe reduction, recycling,
7 or disposal of hazardous wastes from households, small businesses, and
8 agriculture;

9 (vii) Hazardous materials emergency response training;

10 (viii) Water and environmental health protection, including
11 mitigation actions that benefit fish or fish habitat, and monitoring
12 programs;

13 (ix) Programs authorized under chapter 70.146 RCW;

14 (x) A public participation program, including regional citizen
15 advisory committees;

16 (xi) Public funding to assist potentially liable persons to pay for
17 the costs of remedial action in compliance with cleanup standards under
18 RCW 70.105D.030(2)(e) but only when the amount and terms of such
19 funding are established under a settlement agreement under RCW
20 70.105D.040(4) and when the director has found that the funding will
21 achieve both (A) a substantially more expeditious or enhanced cleanup
22 than would otherwise occur, and (B) the prevention or mitigation of
23 unfair economic hardship; and

24 (xii) Development and demonstration of alternative management
25 technologies designed to carry out the top two hazardous waste
26 management priorities of RCW 70.105.150.

27 (3) The following moneys shall be deposited into the local toxics
28 control account: Those revenues which are raised by the tax imposed
29 under RCW 82.21.030 and which are attributable to that portion of the
30 rate equal to thirty-seven one-hundredths of one percent.

31 (a) Moneys deposited in the local toxics control account shall be
32 used by the department for grants or loans to local governments for the
33 following purposes in descending order of priority: (i) Remedial
34 actions, including mitigation actions that benefit fish or fish
35 habitat; (ii) hazardous waste plans and programs under chapter 70.105
36 RCW; and (iii) solid waste plans and programs under chapters 70.95,
37 70.95C, 70.95I, and 70.105 RCW. Funds for plans and programs shall be
38 allocated consistent with the priorities and matching requirements
39 established in chapters 70.105, 70.95C, 70.95I, and 70.95 RCW.

1 (b) Funds may also be appropriated to the department of health to
2 implement programs to reduce testing requirements under the federal
3 safe drinking water act for public water systems. The department of
4 health shall reimburse the account from fees assessed under RCW
5 70.119A.115 by June 30, 1995.

6 (4) Except for unanticipated receipts under RCW 43.79.260 through
7 43.79.282, moneys in the state and local toxics control accounts may be
8 spent only after appropriation by statute.

9 (5) One percent of the moneys deposited into the state and local
10 toxics control accounts shall be allocated only for public
11 participation grants to persons who may be adversely affected by a
12 release or threatened release of a hazardous substance and to not-for-
13 profit public interest organizations. The primary purpose of these
14 grants is to facilitate the participation by persons and organizations
15 in the investigation and remedying of releases or threatened releases
16 of hazardous substances and to implement the state's solid and
17 hazardous waste management priorities. No grant may exceed sixty
18 thousand dollars. Grants may be renewed annually. Moneys appropriated
19 for public participation from either account which are not expended at
20 the close of any biennium shall revert to the state toxics control
21 account.

22 (6) No moneys deposited into either the state or local toxics
23 control account may be used for solid waste incinerator feasibility
24 studies, construction, maintenance, or operation.

25 (7) The department shall adopt rules for grant or loan issuance and
26 performance.

27 **Sec. 17.** RCW 70.146.030 and 1996 c 37 s 2 are each amended to read
28 as follows:

29 (1) The water quality account is hereby created in the state
30 treasury. Moneys in the account may be used only in a manner
31 consistent with this chapter. Moneys deposited in the account shall be
32 administered by the department of ecology and shall be subject to
33 legislative appropriation. Moneys placed in the account shall include
34 tax receipts as provided in RCW 82.24.027, 82.26.025, and 82.32.390,
35 principal and interest from the repayment of any loans granted pursuant
36 to this chapter, and any other moneys appropriated to the account by
37 the legislature.

1 (2) The department may use or permit the use of any moneys in the
2 account to make grants or loans to public bodies, including grants to
3 public bodies as cost-sharing moneys in any case where federal, local,
4 or other funds are made available on a cost-sharing basis, for water
5 pollution control facilities and activities, for facilities or
6 activities that benefit fisheries or improve fish habitat, or for
7 purposes of assisting a public body to obtain an ownership interest in
8 water pollution control facilities and/or to defray a part of the
9 payments made by a public body to a service provider under a service
10 agreement entered into pursuant to RCW 70.150.060, within the purposes
11 of this chapter and for related administrative expenses. No more than
12 three percent of the moneys deposited in the account may be used by the
13 department to pay for the administration of the grant and loan program
14 authorized by this chapter.

15 (3) Beginning with the biennium ending June 30, 1997, the
16 department shall present a biennial progress report on the use of
17 moneys from the account to the chairs of the senate committee on ways
18 and means and the house of representatives committee on appropriations.
19 The first report is due June 30, 1996, and the report for each
20 succeeding biennium is due December 31 of the odd-numbered year. The
21 report shall consist of a list of each recipient, project description,
22 and amount of the grant, loan, or both.

23 (4) During the fiscal biennium ending June 30, 1997, moneys in the
24 account may be transferred by the legislature to the water right permit
25 processing account.

26 **Sec. 18.** RCW 70.95.800 and 1993 c 130 s 2 are each amended to read
27 as follows:

28 The solid waste management account is created in the state
29 treasury. Moneys in the account may only be spent after appropriation.
30 Expenditures from the account may only be used to:

31 (1) Review and approve local solid waste management plans;

32 (2) Provide grants to local governments for the purpose of
33 developing and implementing the waste reduction and recycling element
34 of local solid waste management plans;

35 (3) Provide grants to local governments to enhance markets for
36 recycled content products and to develop programs for procurement of
37 recycled content products;

1 (4) Provide grants to local governments for the proper disposal of
2 household used oil collected at a used oil collection facility and
3 contaminated without knowledge of the operator of the facility;

4 (5) Provide technical assistance to local governments in
5 developing and implementing local solid waste management plans and
6 programs;

7 (6) Evaluate and assess progress of state and local jurisdictions
8 and private industry toward achieving the goals of this chapter;

9 (7) Conduct necessary research and studies to assess the
10 feasibility of new technologies or other solid waste management
11 activities to carry out the purposes of this chapter; and

12 (8) ~~((Administer and collect the tax imposed in RCW 82.18.100))~~
13 Provide projects and activities that benefit fish or fish habitat.

14 **Sec. 19.** RCW 76.12.110 and 1988 c 128 s 31 are each amended to
15 read as follows:

16 There is created a forest development account in the state
17 treasury. The state treasurer shall keep an account of all sums
18 deposited therein and expended or withdrawn therefrom. Any sums placed
19 in the account shall be pledged for the purpose of paying interest and
20 principal on the bonds issued by the department, ~~((and))~~ for the
21 purchase of land for growing timber, and for projects that benefit fish
22 or improve fish habitat. Any bonds issued shall constitute a first and
23 prior claim and lien against the account for the payment of principal
24 and interest. No sums for the above purposes shall be withdrawn or
25 paid out of the account except upon approval of the department.

26 Appropriations may be made by the legislature from the forest
27 development account to the department for the purpose of carrying on
28 the activities of the department on state forest lands, lands managed
29 on a sustained yield basis as provided for in RCW 79.68.040, ~~((and))~~
30 for reimbursement of expenditures that have been made or may be made
31 from the resource management cost account in the management of state
32 forest lands, and for projects that benefit fish or improve fish
33 habitat.

34 **Sec. 20.** RCW 77.12.020 and 1994 c 264 s 53 are each amended to
35 read as follows:

36 (1) The director shall investigate the habits and distribution of
37 the various species of wildlife native to or adaptable to the habitats

1 of the state. The commission shall determine whether a species should
2 be managed by the department and, if so, classify it under this
3 section.

4 (2) The commission may classify by rule wild animals as game
5 animals and game animals as fur-bearing animals.

6 (3) The commission may classify by rule wild birds as game birds or
7 predatory birds. All wild birds not otherwise classified are protected
8 wildlife.

9 (4) In addition to those species listed in RCW 77.08.020, the
10 commission may classify by rule as game fish other species of the class
11 Osteichthyes that are commonly found in fresh water (~~except~~)
12 including those classified as food fish by the director.

13 (5) The director may recommend to the commission that a species of
14 wildlife should not be hunted or fished. The commission may designate
15 species of wildlife as protected.

16 (6) If the director determines that a species of wildlife is
17 seriously threatened with extinction in the state of Washington, the
18 director may request its designation as an endangered species. The
19 commission may designate an endangered species.

20 (7) If the director determines that a species of the animal
21 kingdom, not native to Washington, is dangerous to the environment or
22 wildlife of the state, the director may request its designation as
23 deleterious exotic wildlife. The commission may designate deleterious
24 exotic wildlife.

25 **Sec. 21.** RCW 78.44.045 and 1993 c 518 s 10 are each amended to
26 read as follows:

27 The surface mining reclamation account is created in the state
28 treasury. Annual mining fees, funds received by the department from
29 state, local, or federal agencies for research purposes, as well as
30 other mine-related funds and fines received by the department shall be
31 deposited into this account. The surface mine reclamation account may
32 be used by the department only to:

33 (1) Administer its regulatory program pursuant to this chapter;

34 (2) Undertake research relating to surface mine regulation,
35 reclamation of surface mine lands, and related issues; (~~and~~)

36 (3) Cover costs arising from appeals from determinations made under
37 this chapter; and

38 (4) Undertake projects that benefit fish or improve fish habitat.

1 Fines, interest, and other penalties collected by the department
2 under the provisions of this chapter shall be used to reclaim surface
3 mines abandoned prior to 1971.

4 **Sec. 22.** RCW 79.24.580 and 1997 c 149 s 913 are each amended to
5 read as follows:

6 After deduction for management costs as provided in RCW 79.64.040
7 and payments to towns under RCW 79.92.110(2), all moneys received by
8 the state from the sale or lease of state-owned aquatic lands and from
9 the sale of valuable material from state-owned aquatic lands shall be
10 deposited in the aquatic lands enhancement account which is hereby
11 created in the state treasury. After appropriation, these funds shall
12 be used solely for aquatic lands enhancement projects; for the
13 purchase, improvement, or protection of aquatic lands for public
14 purposes; for providing and improving access to such lands; ~~((and))~~ for
15 volunteer cooperative ~~((fish-and))~~ game projects; and for projects that
16 benefit fish or improve fish habitat. During the fiscal biennium
17 ending June 30, 1999, the funds may be appropriated for boating safety,
18 shellfish management, enforcement, and enhancement and for developing
19 and implementing plans for population monitoring and restoration of
20 native wild salmon stock.

21 **Sec. 23.** RCW 79.64.020 and 1993 c 460 s 1 are each amended to read
22 as follows:

23 A resource management cost account in the state treasury is hereby
24 created to be used solely for the purpose of defraying the costs and
25 expenses necessarily incurred by the department in managing and
26 administering public lands and the making and administering of leases,
27 sales, contracts, licenses, permits, easements, ~~((and))~~ rights of way
28 as authorized under the provisions of this title, and for projects that
29 benefit fish or improve fish habitat. Appropriations from the account
30 to the department shall be expended for no other purposes. Funds in
31 the account may be appropriated or transferred by the legislature for
32 the benefit of all of the trusts from which the funds were derived.

33 **Sec. 24.** RCW 79.71.090 and 1991 sp.s. c 13 s 118 are each amended
34 to read as follows:

35 There is hereby created the natural resources conservation areas
36 stewardship account in the state treasury to ensure proper and

1 continuing management of land acquired or designated pursuant to this
2 chapter. Funds for the stewardship account shall be derived from
3 appropriations of state general funds, federal funds, grants,
4 donations, gifts, bond issue receipts, securities, and other monetary
5 instruments of value. Income derived from the management of natural
6 resources conservation areas shall also be deposited in this
7 stewardship account.

8 Appropriations from this account to the department shall be
9 expended for no other purpose than the following: (1) To manage the
10 areas approved by the legislature in fulfilling the purposes of this
11 chapter; (2) to manage property acquired as natural area preserves
12 under chapter 79.70 RCW; (3) to manage property transferred under the
13 authority and appropriation provided by the legislature to be managed
14 under chapter 79.70 RCW or this chapter or acquired under chapter
15 43.98A RCW; ~~((and))~~ (4) to pay for operating expenses for the natural
16 heritage program under chapter 79.70 RCW; and (5) to benefit fish or
17 improve fish habitat.

18 **Sec. 25.** RCW 79.90.555 and 1991 sp.s. c 13 s 63 are each amended
19 to read as follows:

20 The aquatic land dredged material disposal site account is hereby
21 established in the state treasury. The account shall consist of funds
22 appropriated to the account; funds transferred or paid to the account
23 pursuant to settlements; court or administrative agency orders or
24 judgments; gifts and grants to the account; and all funds received by
25 the department of natural resources from users of aquatic land dredged
26 material disposal sites. After appropriation, moneys in the fund may
27 be spent only for the management and environmental monitoring of
28 aquatic land dredged material disposal sites and for projects that
29 benefit fish or improve fish habitat. The account is subject to the
30 allotment procedure provided under chapter 43.88 RCW.

31 **Sec. 26.** RCW 82.44.180 and 1995 c 269 s 2601 are each amended to
32 read as follows:

33 (1) The transportation fund is created in the state treasury.
34 Revenues under RCW 82.44.020 (1) and (2), 82.44.110, 82.44.150, and the
35 surcharge under RCW 82.50.510 shall be deposited into the fund as
36 provided in those sections.

1 Moneys in the fund may be spent only after appropriation.
2 Expenditures from the fund may be used only for transportation purposes
3 and activities, including environmental mitigation activities that
4 benefit fish or improve fish habitat, and operations of the Washington
5 state patrol not directly related to the policing of public highways
6 and that are not authorized under Article II, section 40 of the state
7 Constitution.

8 (2) There is hereby created the central Puget Sound public
9 transportation account within the transportation fund. Moneys
10 deposited into the account under RCW 82.44.150(2)(b) shall be
11 appropriated to the transportation improvement board and allocated by
12 the transportation improvement board to environmental mitigation
13 activities that benefit fish or fish habitat and to public
14 transportation projects within the region from which the funds are
15 derived, solely for:

16 (a) Planning;

17 (b) Development of capital projects;

18 (c) Development of high capacity transportation systems as defined
19 in RCW 81.104.015;

20 (d) Development of high occupancy vehicle lanes and related
21 facilities as defined in RCW 81.100.020; and

22 (e) Public transportation system contributions required to fund
23 projects under federal programs and those approved by the
24 transportation improvement board from other fund sources.

25 (3) There is hereby created the public transportation systems
26 account within the transportation fund. Moneys deposited into the
27 account under RCW 82.44.150(2)(c) shall be appropriated to the
28 transportation improvement board and allocated by the transportation
29 improvement board to environmental mitigation activities that benefit
30 fish or fish habitat and to public transportation projects submitted by
31 the public transportation systems from which the funds are derived,
32 solely for:

33 (a) Planning;

34 (b) Development of capital projects;

35 (c) Development of high capacity transportation systems as defined
36 in RCW 81.104.015;

37 (d) Development of high occupancy vehicle lanes and related
38 facilities as defined in RCW 81.100.020;

1 (e) Other public transportation system-related roadway projects on
2 state highways, county roads, or city streets; and

3 (f) Public transportation system contributions required to fund
4 projects under federal programs and those approved by the
5 transportation improvement board from other fund sources.

6 **Sec. 27.** RCW 86.26.090 and 1991 c 322 s 7 are each amended to read
7 as follows:

8 The state shall participate with eligible local authorities in
9 maintaining and restoring the normal and reasonably stable river and
10 stream channel alignment and the normal and reasonably stable river and
11 stream channel capacity for carrying off flood waters with a minimum of
12 damage from bank erosion or overflow of adjacent lands and property;
13 and in restoring, maintaining, and repairing natural conditions, works,
14 and structures for the maintenance of such conditions. State
15 participation in the repair of flood control facilities may include the
16 enhancement of such facilities. The state shall likewise participate
17 in the restoration and maintenance of natural conditions including fish
18 habitat, works, or structures for the protection of lands and other
19 property from inundation or other damage by the sea or other bodies of
20 water. Funds from the flood control assistance account shall not be
21 available for maintenance of works or structures maintained solely for
22 the detention or storage of flood waters.

23 **Sec. 28.** RCW 90.48.400 and 1994 c 264 s 93 are each amended to
24 read as follows:

25 (1) Moneys in the coastal protection fund shall be disbursed for
26 the following purposes and no others:

27 (a) Environmental restoration and enhancement projects intended to
28 improve fish or fish habitat and to restore or enhance environmental,
29 recreational, archaeological, or aesthetic resources for the benefit of
30 Washington's citizens;

31 (b) Investigations of the long-term effects of oil spills; and

32 (c) Development and implementation of an aquatic land geographic
33 information system.

34 (2) The director may allocate a portion of the fund to be devoted
35 to research and development in the causes, effects, and removal of
36 pollution caused by the discharge of oil or other hazardous substances.

1 (3) A steering committee consisting of representatives of the
2 departments of ecology, fish and wildlife, and natural resources, and
3 the parks and recreation commission shall authorize the expenditure of
4 the moneys collected under RCW 90.48.366 through 90.48.368, after
5 consulting impacted local agencies and local and tribal governments.

6 (4) Agencies may not be reimbursed from the coastal protection fund
7 for the salaries and benefits of permanent employees for routine
8 operational support. Agencies may only be reimbursed under this
9 section if money for reconnaissance and damage assessment activities is
10 unavailable from other sources.

11 **Sec. 29.** RCW 90.50A.030 and 1996 c 37 s 4 are each amended to read
12 as follows:

13 The department of ecology shall use the moneys in the water
14 pollution control revolving fund to provide financial assistance as
15 provided in the water quality act of 1987:

16 (1) To make loans, on the condition that:

17 (a) Such loans are made at or below market interest rates,
18 including interest free loans, at terms not to exceed twenty years;

19 (b) Annual principal and interest payments will commence not later
20 than one year after completion of any project and all loans will be
21 fully amortized not later than twenty years after project completion;

22 (c) The recipient of a loan will establish a dedicated source of
23 revenue for repayment of loans; and

24 (d) The fund will be credited with all payments of principal and
25 interest on all loans.

26 (2) Loans may be made for the following purposes:

27 (a) To public bodies for the construction or replacement of water
28 pollution control facilities as defined in section 212 of the federal
29 water quality act of 1987;

30 (b) For the implementation of a management program established
31 under section 319 of the federal water quality act of 1987 relating to
32 the management of nonpoint sources of pollution, subject to the
33 requirements of that act; ~~((and))~~

34 (c) For development and implementation of a conservation and
35 management plan under section 320 of the federal water quality act of
36 1987 relating to the national estuary program, subject to the
37 requirements of that act; and

38 (d) To provide projects and activities for fish and fish habitat.

1 (3) The department may also use the moneys in the fund for the
2 following purposes:

3 (a) To buy or refinance the water pollution control facilities'
4 debt obligations of public bodies at or below market rates, if such
5 debt was incurred after March 7, 1985;

6 (b) To guarantee, or purchase insurance for, public body
7 obligations for water pollution control facility construction or
8 replacement or activities if the guarantee or insurance would improve
9 credit market access or reduce interest rates, or to provide loans to
10 a public body for this purpose;

11 (c) As a source of revenue or security for the payment of principal
12 and interest on revenue or general obligation bonds issued by the state
13 if the proceeds of the sale of such bonds will be deposited in the
14 fund;

15 (d) To earn interest on fund accounts; (~~and~~)

16 (e) To pay the expenses of the department in administering the
17 water pollution control revolving fund according to administrative
18 reserves authorized by federal and state law; and

19 (f) To provide projects and activities for fish and fish habitat.

20 (4) Beginning with the biennium ending June 30, 1997, the
21 department shall present a biennial progress report on the use of
22 moneys from the account to the chairs of the senate committee on ways
23 and means and the house of representatives committee on appropriations.
24 The first report is due June 30, 1996, and the report for each
25 succeeding biennium is due December 31 of the odd-numbered year. The
26 report shall consist of a list of each recipient, project description,
27 and amount of the grant, loan, or both.

28 (5) The department may not use the moneys in the water pollution
29 control revolving fund for grants.

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