

1 **ESSB 5411** - H AMD
2 By Representative R. Johnson

3 Strike everything after the enacting clause and insert the
4 following:

5 "NEW SECTION. **Sec. 1.** (1) The legislature finds that:

6 (a) Floods pose threats to public health and safety including
7 loss or endangerment to human life; damage to homes; damage to
8 public roads, highways, bridges, and utilities; interruption of
9 travel, communication, and commerce; damage to private and public
10 property; degradation of water quality; damage to fisheries, fish
11 hatcheries, and fish habitat; harm to livestock; destruction or
12 degradation of environmentally sensitive areas; erosion of soil,
13 stream banks, and beds; and harmful accumulation of soil and debris
14 in the beds of streams or other bodies of water and on public and
15 private lands;

16 (b) Alleviation of flood damage to property and to public
17 health and safety is a matter of public concern;

18 (c) Many land uses alter the pattern of runoff by decreasing
19 the ability of upstream lands to store waters, thus increasing the
20 rate of runoff and attendant downstream impacts; and

1 (d) Prevention of flood damage requires a comprehensive
2 approach, incorporating storm water management and basin-wide flood
3 damage protection planning.

4 (2) County legislative authorities are encouraged to use and
5 coordinate all the regulatory, planning, and financing mechanisms
6 available to those jurisdictions to address the problems of
7 flooding in an equitable and comprehensive manner.

8 (3) It is the intent of the legislature to develop a
9 coordinated and comprehensive state policy to address the problems
10 of flooding and the minimization of flood damage."

11 "NEW SECTION. **Sec. 2.**

12 The purpose of sections 3 through 13 of this act is to permit
13 counties in cooperation and consultation with cities and towns to
14 adopt a comprehensive system of flood control management and
15 protection within drainage basins and to coordinate the flood
16 control activities of the state, counties, cities, towns, and
17 special districts within such drainage basins."

18 "NEW SECTION. **Sec. 3.** A new section is added to chapter
19 86.12 RCW to read as follows:

20 The county legislative authority of any county may adopt a
21 comprehensive flood control management plan for any drainage basin
22 that is located wholly or partially within the county.

23 A comprehensive flood control management plan shall include
24 the following elements:

25 (1) Designation of areas that are susceptible to periodic
26 flooding, from inundation by bodies of water or surface water
27 runoff, or both, including the river's meander belt or floodway;

28 (2) Establishment of a comprehensive scheme of flood control
29 protection and improvements for the areas that are subject to such

1 periodic flooding, that includes: (a) Determining the need for,
2 and desirable location of, flood control improvements to protect or
3 preclude flood damage to structures, works, and improvements, based
4 upon a cost/benefit ratio between the expense of providing and
5 maintaining these improvements and the benefits arising from these
6 improvements; (b) establishing the level of flood protection that
7 each portion of the system of flood control improvements will be
8 permitted; (c) identifying alternatives to in-stream flood control
9 work; (d) identifying areas where flood waters could be directed
10 during a flood to avoid damage to buildings and other structures;
11 and (e) identifying sources of revenue that will be sufficient to
12 finance the comprehensive scheme of flood control protection and
13 improvements;

14 (3) Establishing land use regulations that preclude the
15 location of structures, works, or improvements in critical portions
16 of such areas subject to periodic flooding, including a river's
17 meander belt or floodway, and permitting only flood-compatible land
18 uses in such areas;

19 (4) Establishing restrictions on construction activities in
20 areas subject to periodic floods that require the flood proofing of
21 those structures that are permitted to be constructed or remodeled;
22 and,

23 (5) Establishing restrictions on land clearing activities and
24 development practices that exacerbate flood problems by increasing
25 the flow or accumulation of flood waters, or the intensity of
26 drainage, on low-lying areas. Land clearing activities do not
27 include forest practices as defined in chapter 76.09 RCW.

28 A comprehensive flood control management plan shall be subject
29 to the minimum requirements for participation in the national flood

1 insurance program, requirements exceeding the minimum national
2 flood insurance program that have been adopted by the department of
3 ecology for a specific flood plain pursuant to RCW 86.16.031, and
4 rules adopted by the department of ecology pursuant to RCW
5 86.26.050 relating to flood plain management activities. When a
6 county plans under chapter 36.70A RCW, it may incorporate the
7 portion of its comprehensive flood control management plan relating
8 to land use restrictions in its comprehensive plan and development
9 regulations adopted pursuant to chapter 36.70A RCW."

10 "NEW SECTION. **Sec. 4.** A new section is added to chapter
11 86.12 RCW to read as follows:

12 A comprehensive flood control management plan that includes an
13 area within which a city or town, or a special district subject to
14 chapter 85.38 RCW, is located shall be developed by the county with
15 the full participation of officials from the city, town, or special
16 district, including conservation districts, and appropriate state
17 and federal agencies. Where a comprehensive flood control
18 management plan is being prepared for a river basin that is part of
19 the common boundary between two counties, the county legislative
20 authority of the county preparing the plan may allow participation
21 by officials of the adjacently located county.

22 Following adoption by the county, city, or town, a
23 comprehensive flood control management plan shall be binding on
24 each jurisdiction and special district that is located within an
25 area included in the plan. If within 120 days of the county's
26 adoption, a city or town does not adopt the comprehensive flood
27 control management plan, the city or county shall request
28 arbitration on the issue(s) in dispute. If parties cannot agree to

1 the selection of an arbitrator, the arbitrator shall be selected
2 according to the process described in RCW 7.04.050. The cost of
3 the arbitrator shall be shared equally by the participating parties
4 and the arbitrator's decision shall be binding. Any land use
5 regulations and restrictions on construction activities contained
6 in a comprehensive flood control management plan applicable to a
7 city or town shall be minimum standards that the city or town may
8 exceed. A city or town undertaking flood or stormwater control
9 activities consistent with the comprehensive flood control
10 management plan shall retain authority over such activities."

11 "NEW SECTION. **Sec. 5.** A new section is added to chapter
12 86.12 RCW to read as follows:

13 A county may create one or more advisory committees to assist
14 in the development of proposed comprehensive flood control
15 management plans and to provide general advice on flood problems.
16 The advisory committees may include city and town officials,
17 officials of special districts subject to chapter 85.38 RCW,
18 conservation districts, appropriate state and federal officials,
19 and officials of other counties and other interested persons."

20 **"Sec. 6.** RCW 86.26.050 and 1988 c 36 s 64 are each amended to
21 read as follows:

22 (1) State participation shall be in such preparation of
23 comprehensive flood control management plans under this chapter and
24 chapter 86.12 RCW, cost sharing feasibility studies for new flood
25 control projects, projects pursuant to section 33 of this act, and
26 flood control maintenance projects as are affected with a general
27 public and state interest, as differentiated from a private

1 interest, and as are likely to bring about public benefits
2 commensurate with the amount of state funds allocated thereto.

3 (2) No participation for flood control maintenance projects
4 may occur with a county or other municipal corporation unless the
5 director of ecology has approved the flood plain management
6 activities of the county, city, or town having planning
7 jurisdiction over the area where the flood control maintenance
8 project will be, on the one hundred year flood plain surrounding
9 such area.

10 The department of ecology shall adopt rules concerning the
11 flood plain management activities of a county, city, or town that
12 are adequate to protect or preclude flood damage to structures,
13 works, and improvements, including the restriction of land uses
14 within a river's meander belt or floodway to only flood-compatible
15 uses. Whenever the department has approved county, city, and town
16 flood plain management activities, as a condition of receiving an
17 allocation of funds under this chapter, each revision to the flood
18 plain management activities must be approved by the department of
19 ecology, in consultation with the department of fisheries and the
20 department of wildlife.

21 No participation with a county or other municipal corporation
22 for flood control maintenance projects may occur unless the county
23 engineer of the county within which the flood control maintenance
24 project is located certifies that a comprehensive flood control
25 management plan has been completed and adopted by the appropriate
26 local authority, or is being prepared for all portions of the river
27 basin or other area, within which the project is located in that
28 county, that are subject to flooding with a frequency of one
29 hundred years or less.

1 (3) Participation for flood control maintenance projects and
2 preparation of comprehensive flood control management plans shall
3 be made from grants made by the department of ecology from the
4 flood control assistance account. Comprehensive flood control
5 management plans, and any revisions to the plans, must be approved
6 by the department of ecology, in consultation with the department
7 of fisheries and the department of wildlife. The department may
8 only grant financial assistance to local governments that, in the
9 opinion of the department, are making good faith efforts to take
10 advantage of, or comply with, federal and state flood control
11 programs."

12 "**Sec. 7.** RCW 86.26.090 and 1984 c 212 s 7 are each amended to
13 read as follows:

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

1 of works or structures maintained solely for the detention or
2 storage of flood waters."

3 "Sec. 8. RCW 86.26.100 and 1986 c 46 s 4 are each amended to
4 read as follows:

5 State participation in the cost of any flood control
6 maintenance project shall be provided for by a written memorandum
7 agreement between the director of ecology and the legislative
8 authority of the county submitting the request, which agreement,
9 among other things, shall state the estimated cost and the
10 percentage thereof to be borne by the state. In no instance,
11 except on emergency projects, shall the state's share exceed one-
12 half the cost of the project, to include project planning and
13 design. Grants for cost sharing feasibility studies for new flood
14 control projects shall not exceed fifty percent of the matching
15 funds that are required by the federal government, and shall not
16 exceed twenty-five percent of the total costs of the feasibility
17 study. However, grants to prepare a comprehensive flood control
18 management plan required under RCW 86.26.050 shall not exceed
19 seventy-five percent of the full planning costs, but not to exceed
20 amounts for either purpose specified in rule and regulation by the
21 department of ecology."

22 "NEW SECTION. Sec. 9. A new section is added to chapter
23 86.15 RCW to read as follows:

24 A board may not establish a zone including an area located in
25 another zone unless this area is removed from the other zone, or
26 the other zone is dissolved, as part of the action creating the new
27 zone."

1 **"Sec. 10.** RCW 86.15.178 and 1983 c 315 s 23 and 1983 c 167 s
2 212 are each reenacted to read as follows:

3 (1) The supervisors may authorize the issuance of revenue
4 bonds to finance any flood control improvement or storm water
5 control improvement. The bonds may be issued by the supervisors in
6 the same manner as prescribed in RCW 36.67.510 through 36.67.570
7 pertaining to counties. The bonds shall be issued on behalf of the
8 zone or participating zones when the improvement has by the
9 resolution, provided in RCW 86.15.110, been found to be of benefit
10 to a zone or participating zones. The bonds may be in any form,
11 including bearer bonds or registered bonds.

12 Each revenue bond shall state on its face that it is payable
13 from a special fund, naming the fund and the resolution creating
14 the fund.

15 Revenue bond principal, interest, and all other related
16 necessary expenses shall be payable only out of the appropriate
17 special fund.

18 A zone or participating zones shall have a lien for delinquent
19 service charges, including interest thereon, against the premises
20 benefited by a flood control improvement or storm water control
21 improvement, which lien shall be superior to all other liens and
22 encumbrances except general taxes and local and special
23 assessments. The lien shall be effective and shall be enforced and
24 foreclosed in the same manner as provided for sewerage liens of
25 cities and towns by RCW 35.67.200 through 35.67.290.

26 (2) Notwithstanding subsection (1) of this section, such bonds
27 may be issued and sold in accordance with chapter 39.46 RCW."

1 **"Sec. 11.** RCW 86.16.110 and 1987 c 109 s 23 are each
2 reenacted and amended to read as follows:

3 Any person, association, or corporation, public, municipal, or
4 private, feeling aggrieved at any order, decision, or determination
5 of the department or director pursuant to this chapter, affecting
6 his or her interest, may have the same reviewed pursuant to RCW
7 43.21B.310."

8 "NEW SECTION. **Sec. 12.** The department of fisheries and
9 the department of wildlife shall process hydraulic project
10 applications submitted under RCW 75.20.100 or 75.20.103 within
11 thirty days of receipt of the application. This requirement is
12 only applicable for the repair and reconstruction of legally
13 constructed dikes, seawalls, and other flood control structures
14 damaged as a result of flooding or windstorms that occurred in
15 November and December 1990."

16 "NEW SECTION. **Sec. 13.** The following acts or parts of
17 acts are each repealed:

- 18 (1) RCW 86.15.040 and 1961 c 153 s 4;
- 19 (2) RCW 86.16.027 and 1987 c 109 s 51 & 1935 c 159 s 9;
- 20 (3) RCW 86.16.030 and 1987 c 109 s 52 & 1935 c 159 s 5;
- 21 (4) RCW 86.16.040 and 1987 c 109 s 54 & 1935 c 159 s 11;
- 22 (5) RCW 86.16.060 and 1987 c 109 s 55 & 1935 c 159 s 13;
- 23 (6) RCW 86.16.065 and 1987 c 109 s 56 & 1935 c 159 s 14;
- 24 (7) RCW 86.16.067 and 1987 c 109 s 57, 1985 c 469 s 86, & 1935
25 c 159 s 15;
- 26 (8) RCW 86.16.070 and 1987 c 109 s 58 & 1935 c 159 s 16;
- 27 (9) RCW 86.16.080 and 1987 c 109 s 59 & 1935 c 159 s 10;

1 (10) RCW 86.16.090 and 1987 c 109 s 60, 1939 c 85 s 2, & 1935
2 c 159 s 7; and

3 (11) RCW 86.16.170 and 1987 c 109 s 62 & 1973 c 75 s 3."

4 "NEW SECTION. **Sec. 14.** There is hereby created a joint
5 select committee on state flood damage reduction composed of
6 sixteen members as follows: (1) Four members of the senate, two
7 from each of the major caucuses, who are appointed by the president
8 of the senate; (2) four members of the house of representatives,
9 two from each of the major caucuses, who are appointed by the
10 speaker of the house of representatives; and, (3) eight additional
11 members who are not legislators selected by the president of the
12 senate and the speaker of the house.

13 The staff support shall be provided by the senate committee
14 services and the office of program research as mutually agreed by
15 the cochairs of the joint select committee. The cochairs shall be
16 designated by the speaker of the house of representatives and the
17 president of the senate.

18 The committee may seek assistance from appropriate state or
19 federal agencies, including the United States army corp of
20 engineers. The expenses of the legislative members shall be paid
21 by the legislature. The expenses of any state agency officials, or
22 their designees, shall be paid by their state agencies. Members
23 not employed by the state shall be compensated in accordance with
24 RCW 43.03.220 and shall be entitled to reimbursement individually
25 for travel expenses incurred in performance of their duties as
26 members of the committee in accordance with RCW 43.03.050 and
27 43.03.060."

1 "NEW SECTION. Sec. 15. The joint select committee on
2 state flood damage reduction shall consider the development of
3 comprehensive state flood policies and a comprehensive and
4 coordinated flood damage reduction plan, including the following
5 elements:

6 (1) Structural and nonstructural flood damage reduction
7 projects;

8 (2) Forest practice effects on watershed hydraulics as
9 determined by applicable research projects conducted under the
10 timber-fish-wildlife cooperative monitoring, evaluation, and
11 research program, including: (a) Percentage of watershed clearcut;
12 (b) logging in very steep areas; and (c) logging in slide-prone
13 areas;

14 (3) Growth management and land uses, including: (a) Flood
15 plain development patterns; (b) loss of potential natural flood
16 water storage areas; (c) future development restrictions in flood-
17 prone areas; and (d) coordination with the state's growth
18 management act and county flood comprehensive planning;

19 (4) Comprehensive watershed and flood damage management;

20 (5) Storm water runoff pattern alterations and accompanying
21 liabilities, including an analysis of: (a) Increases in peak flood
22 flows caused by inadequate storm water planning and controls; (b)
23 the need for minimum standards for land use development activities
24 employing natural watercourses for storm water conveyance; and (c)
25 the need for a statutory cause of action to provide a remedy for
26 downstream property owners who are damaged by accelerated storm
27 water runoff caused by cumulative upstream activities, including a
28 modification of the court-adopted "common enemy" doctrine;

1 (6) Analysis of the federal, state, and local permitting
2 requirements necessary for projects designed to reduce future flood
3 damage or to restore areas damaged by floods, including any
4 conflicting requirements that may exist;

5 (7) Emergency work and coordination, and emergency
6 preparedness planning;

7 (8) Determination of the need for requirements to disclose the
8 flood hazard to purchasers or renters of flood-prone property;

9 (9) The role of dredging in flood damage reduction, including
10 environmental effects, funding sources, and upstream uses that
11 alter its effectiveness;

12 (10) The role of dikes and levees in flood damage reduction,
13 including environmental effects, construction and maintenance
14 standards, sources of funding for construction and maintenance, and
15 resultant upstream and downstream hydrologic effects;

16 (11) Review criteria for evaluating and approving local plans
17 and projects funded by grants from the flood control account; and

18 (12) Public acquisition of properties to reduce flood damage."

19 "NEW SECTION. Sec. 16. The joint select committee on
20 state flood damage reduction shall report its initial findings to
21 the legislature on or before December 31, 1991. The committee
22 shall make a final report to the legislature on or before December
23 1, 1992. The report shall include the following: (1) Findings
24 relating to a state flood damage reduction plan; (2) recommended
25 state agency regulation and policy changes; (3) proposed
26 legislation and associated costs to implement the state flood
27 damage reduction plan; and (4) recommended local flood reduction
28 and mitigation measures."

1 "NEW SECTION. **Sec. 17.** A new section is added to chapter
2 86.16 RCW to read as follows:

3 Local governments that have adopted flood plain management
4 regulations pursuant to this chapter shall include provisions that
5 allow for the establishment of livestock flood sanctuary areas at
6 a convenient location within a farming unit that contains domestic
7 livestock. Local governments may limit the size and configuration
8 of the livestock flood sanctuary areas, but such limitation shall
9 provide adequate space for the expected number of livestock on the
10 farming unit and shall be at an adequate elevation to protect
11 livestock. Modification to flood plain management regulations
12 required pursuant to this section shall be within the minimum
13 federal requirements necessary to maintain coverage under the
14 national flood insurance program."

15 "NEW SECTION. **Sec. 18.** A new section is added to chapter
16 75.20 RCW to read as follows:

17 Whenever the placement of woody debris is required as a
18 condition of a hydraulic permit approval issued pursuant to RCW
19 75.20.100 or 75.20.103, the department of fisheries and the
20 department of wildlife, upon request, shall invite comment
21 regarding that placement from the local governmental authority,
22 affected tribes, affected federal and state agencies, and the
23 project applicant."

24 "NEW SECTION. **Sec. 19.** The department of fisheries, the
25 department of wildlife, and the department of ecology will work
26 cooperatively with the United States army corps of engineers to
27 develop a memorandum of agreement outlining dike vegetation

1 management guidelines so that dike owners are eligible for coverage
2 under P.L. 84-99, and state requirements established pursuant to
3 RCW 75.20.100 and 75.20.103 are met."

4 "Sec. 20. RCW 38.52.030 and 1986 c 266 s 25 are each amended
5 to read as follows:

6 (1) The director may employ such personnel and may make such
7 expenditures within the appropriation therefor, or from other funds
8 made available for purposes of emergency management, as may be
9 necessary to carry out the purposes of this chapter.

10 (2) The director, subject to the direction and control of the
11 governor, shall be responsible to the governor for carrying out the
12 program for emergency management of this state. The director shall
13 coordinate the activities of all organizations for emergency
14 management within the state, and shall maintain liaison with and
15 cooperate with emergency management agencies and organizations of
16 other states and of the federal government, and shall have such
17 additional authority, duties, and responsibilities authorized by
18 this chapter, as may be prescribed by the governor.

19 (3) The director shall develop and maintain a comprehensive,
20 all-hazard emergency plan for the state which shall include an
21 analysis of the natural and man-caused hazards which could affect
22 the state of Washington, and shall include the procedures to be
23 used during emergencies for coordinating local resources, as
24 necessary, and the resources of all state agencies, departments,
25 commissions, and boards. The comprehensive emergency management
26 plan shall direct the department in times of state emergency to
27 administer and manage the state's emergency operations center.
28 This will include representation from all appropriate state

1 agencies and be available as a single point of contact for the
2 authorizing of state resources or actions, including emergency
3 permits. The comprehensive, all-hazard emergency plan authorized
4 under this subsection may not include preparation for emergency
5 evacuation or relocation of residents in anticipation of nuclear
6 attack. This plan shall be known as the comprehensive emergency
7 management plan.

8 (4) In accordance with the comprehensive emergency management
9 plans and the programs for the emergency management of this state,
10 the director shall procure supplies and equipment, institute
11 training programs and public information programs, and shall take
12 all other preparatory steps, including the partial or full
13 mobilization of emergency management organizations in advance of
14 actual disaster, to insure the furnishing of adequately trained and
15 equipped forces of emergency management personnel in time of need.

16 (5) The director shall make such studies and surveys of the
17 industries, resources, and facilities in this state as may be
18 necessary to ascertain the capabilities of the state for emergency
19 management, and shall plan for the most efficient emergency use
20 thereof.

21 (6) The director may appoint a communications coordinating
22 committee consisting of six to eight persons with the director, or
23 his or her designee, as chairman thereof. Three of the members
24 shall be appointed from qualified, trained and experienced
25 telephone communications administrators or engineers actively
26 engaged in such work within the state of Washington at the time of
27 appointment, and three of the members shall be appointed from
28 qualified, trained and experienced radio communication
29 administrators or engineers actively engaged in such work within

1 the state of Washington at the time of appointment. This committee
2 shall advise the director on all aspects of the communications and
3 warning systems and facilities operated or controlled under the
4 provisions of this chapter.

5 (7) The director shall appoint a state coordinator of search
6 and rescue operations to coordinate those state resources, services
7 and facilities (other than those for which the state director of
8 aeronautics is directly responsible) requested by political
9 subdivisions in support of search and rescue operations, and on
10 request to maintain liaison with and coordinate the resources,
11 services, and facilities of political subdivisions when more than
12 one political subdivision is engaged in joint search and rescue
13 operations.

14 (8) The director, subject to the direction and control of the
15 governor, shall prepare and administer a state program for
16 emergency assistance to individuals within the state who are
17 victims of a natural or man-made disaster, as defined by RCW
18 38.52.010(6). Such program may be integrated into and coordinated
19 with disaster assistance plans and programs of the federal
20 government which provide to the state, or through the state to any
21 political subdivision thereof, services, equipment, supplies,
22 materials, or funds by way of gift, grant, or loan for purposes of
23 assistance to individuals affected by a disaster. Further, such
24 program may include, but shall not be limited to, grants, loans, or
25 gifts of services, equipment, supplies, materials, or funds of the
26 state, or any political subdivision thereof, to individuals who, as
27 a result of a disaster, are in need of assistance and who meet
28 standards of eligibility for disaster assistance established by the
29 department of social and health services: PROVIDED, HOWEVER, That

1 nothing herein shall be construed in any manner inconsistent with
2 the provisions of Article VIII, section 5 or section 7 of the
3 Washington state Constitution.

4 (9) The director shall appoint a state coordinator for
5 radioactive and hazardous waste emergency response programs. The
6 coordinator shall consult with the state radiation control officer
7 in matters relating to radioactive materials. The duties of the
8 state coordinator for radioactive and hazardous waste emergency
9 response programs shall include:

10 (a) Assessing the current needs and capabilities of state and
11 local radioactive and hazardous waste emergency response teams on
12 an ongoing basis;

13 (b) Coordinating training programs for state and local
14 officials for the purpose of updating skills relating to emergency
15 response;

16 (c) Utilizing appropriate training programs such as those
17 offered by the federal emergency management agency, the department
18 of transportation and the environmental protection agency; and

19 (d) Undertaking other duties in this area that are deemed
20 appropriate by the director."

21 "NEW SECTION. **Sec. 21.** A new section is added to chapter
22 75.20 RCW to read as follows:

23 The department of fisheries, the department of wildlife, the
24 department of ecology, and the department of natural resources
25 shall jointly develop an informational brochure that describes when
26 permits and any other authorizations are required for flood damage
27 prevention and reduction projects, and recommends ways to best
28 proceed through the various regulatory permitting processes."

1 "NEW SECTION. **Sec. 22.** (1) This section shall apply
2 only to projects:

3 (a) Needed to repair streambank and other damage done by the
4 November or December 1990, flood events, or remove accumulated
5 debris and gravel that significantly contributed to flooding during
6 the November and December 1990, flood events; and

7 (b) That require permits or other authorization for removal of
8 valuable materials as defined in RCW 79.90.060 or permits or
9 authorization under RCW 75.20.100 or 75.20.103.

10 (2) The department of fisheries, the department of wildlife,
11 and the department of natural resources shall expedite and
12 coordinate any required responses to the project application. A
13 complete application for approval shall contain general plans for
14 the overall project, and complete plans and specifications of the
15 proposed construction or work. Upon receipt of a completed
16 application, the agency that first receives that application shall,
17 within fifteen days, schedule and hold a coordination meeting with
18 all appropriate state, local, or county permitting or authorizing
19 agencies. The project applicant shall be invited to this meeting.
20 The appropriate city, county, or town may coordinate their permit
21 approval processes with the state agencies. As soon as possible,
22 but no later than thirty days after the receipt of a complete
23 application, all appropriate state agencies will deny or approve
24 the project. Any conditions placed upon project approvals shall be
25 coordinated among the state agencies so that those conditions do
26 not conflict.

27 (3) It is the intent of the legislature that the process
28 described in this section remain in effect until the legislature
29 has an opportunity to enact legislation creating a coordinated,

1 timely permitting process based on the report required in section
2 16 of this act. This section shall shall expire on June 30, 1993."

3 "Sec. 23. RCW 36.70A.150 and 1990 1st ex.s. c 17 s 15 are
4 each amended to read as follows:

5 Each county and city that is required or chooses to prepare a
6 comprehensive land use plan under RCW 36.70A.040 shall identify
7 lands useful for public purposes such as utility corridors,
8 transportation corridors, landfills, sewage treatment facilities,
9 storm water management facilities, recreation, schools, and other
10 public uses. The county shall work with the state and the cities
11 within its borders to identify areas of shared need for public
12 facilities. The jurisdictions within the county shall prepare a
13 prioritized list of lands necessary for the identified public uses
14 including an estimated date by which the acquisition will be
15 needed.

16 The respective capital acquisition budgets for each
17 jurisdiction shall reflect the jointly agreed upon priorities and
18 time schedule.

19 "Sec. 24. RCW 79.90.130 and 1982 1st ex.s. c 21 s 19 are each
20 amended to read as follows:

21 "~~((Valuable materials situated within or upon tidelands,~~
22 ~~shorelands, or the beds of navigable waters belonging to the state~~
23 ~~may be sold separately from the land, when in the judgment of the~~
24 ~~department of natural resources, it is in the best interests of the~~
25 ~~state to sell the same. When application is made for the purchase~~
26 ~~of any valuable material, situated within or upon aquatic lands,~~

1 ~~the department shall inspect and appraise the value of the material~~
2 ~~applied for: PROVIDED, That no valuable material shall be sold for~~
3 ~~less than the appraised value thereof: PROVIDED FURTHER, That))~~
4 The department is authorized and empowered to confer with and enter
5 into any agreements with the public authorities of the state of
6 Oregon, which in the judgment of the department will assist the
7 state of Washington and the state of Oregon in securing the maximum
8 revenues for sand, gravel or other valuable materials taken from
9 the bed of the Columbia river where said river forms the boundary
10 line between said states."

11 "Sec. 25. RCW 79.90.150 and 1982 1st ex.s. c 21 s 21 are each
12 amended to read as follows:

13 When gravel, rock, sand, silt or other material from any
14 aquatic lands is removed by any public agency or under public
15 contract for channel or harbor improvement, or flood control, or
16 for preventing or minimizing flood damages as defined in RCW
17 86.16.120, use of such material may be authorized by the department
18 of natural resources for a public purpose on land owned or leased
19 by the federal government, state, or any municipality, county,
20 city, town, or public corporation: PROVIDED, That when no public
21 land site is available for deposit of such material, its deposit on
22 private land with the landowner's permission is authorized and may
23 be designated by the department of natural resources to be for a
24 public purpose. Prior to removal and use, the federal agency,
25 state agency, municipality, county, city, town, or public
26 corporation contemplating or arranging such use shall first obtain
27 written permission from the department of natural resources. No
28 payment of royalty shall be required for such gravel, rock, sand,

1 silt, or other material used for such public purpose, but a charge
2 will be made if such material is subsequently sold or used for some
3 other purpose: PROVIDED, That the department may authorize such
4 public agency or private landowner to dispose of such material
5 without charge when necessary to implement disposal of material.
6 No charge shall be required for any use of the material obtained
7 under the provisions of this chapter when used solely on an
8 authorized site. Nothing in this section shall repeal or modify
9 the provisions of RCW 75.20.100 or eliminate the necessity of
10 obtaining a permit for such removal from other state or federal
11 agencies as otherwise required by law. For the purpose of this
12 section, "public purpose" includes, but is not limited to, the
13 construction, maintenance, improvement, or repair of any public
14 street, road, highway, dike, levee, or project undertaken pursuant
15 to chapter 86.26 RCW."

16 "Sec. 26. RCW 79.90.300 and 1982 1st ex.s. c 21 s 36 are each
17 amended to read as follows:

18 The department of natural resources, upon application by any
19 person or when determined by the department to be in the best
20 interest of the state, may enter into a contract or lease providing
21 for the removal and sale of rock, gravel, sand, and silt, or other
22 valuable materials located within or upon beds of navigable waters,
23 or upon any tidelands or shorelands belonging to the state and
24 providing for payment to be made therefor by such royalty as the
25 department may fix, by negotiation, by sealed bid, or at public
26 auction. If application is made for the purchase of any valuable
27 material situated within or upon aquatic lands the department shall
28 inspect and appraise the value of the material in the application."

1 "NEW SECTION. **Sec. 27.** RCW 79.01.135 is recodified as
2 a section in chapter 79.90 RCW."

3 "NEW SECTION. **Sec. 28.** RCW 79.90.140 and 1982 1st ex.s.
4 c 21 s 20 are each repealed.

5 "**Sec. 29.** RCW 47.28.140 and 1984 c 7 s 174 are each amended
6 to read as follows:

7 When in the opinion of the governing authorities representing
8 the department and any agency, instrumentality, municipal
9 corporation, or political subdivision of the state of Washington,
10 any highway, road, or street will be benefited or improved by
11 constructing, reconstructing, locating, relocating, laying out,
12 repairing, surveying, altering, improving, or maintaining, or by
13 the establishment adjacent to, under, upon, within, or above any
14 portion of any such highway, road, or street of an urban public
15 transportation system, by either the department or any agency,
16 instrumentality, municipal corporation, or political subdivision of
17 the state, and it is in the public interest to do so, the
18 authorities may enter into cooperative agreements wherein either
19 agrees to perform the work and furnish the materials necessary and
20 pay the cost thereof, including necessary engineering assistance,
21 which costs and expenses shall be reimbursed by the party whose
22 responsibility it was to do or perform the work or improvement in
23 the first instance. The work may be done by either day labor or
24 contract, and the cooperative agreement between the parties shall
25 provide for the method of reimbursement. In the case of some
26 special benefit or improvement to a state highway derived from any
27 project that assists in preventing or minimizing flood damages as

1 defined in RCW 86.16.120 or from the construction of any public
2 works project, including any urban public transportation system,
3 the department may contribute to the cost thereof by making direct
4 payment to the particular state department, agency,
5 instrumentality, municipal corporation, or political subdivision on
6 the basis of benefits received, but such payment shall be made only
7 after a cooperative agreement has been entered into for a specified
8 amount or on an actual cost basis prior to the commencement of the
9 particular public works project."

10 "Sec. 30. RCW 75.20.100 and 1988 c 272 s 1 and 1988 c 36 s
11 33 are each amended to read as follows:

12 In the event that any person or government agency desires to
13 construct any form of hydraulic project or perform other work that
14 will use, divert, obstruct, or change the natural flow or bed of
15 any of the salt or fresh waters of the state, such person or
16 government agency shall, before commencing construction or work
17 thereon and to ensure the proper protection of fish life, secure
18 the written approval of the department of fisheries or the
19 department of wildlife as to the adequacy of the means proposed for
20 the protection of fish life. This approval shall not be
21 unreasonably withheld. Except as provided in section 12 and 22 of
22 this act, ((F))the department of fisheries or the department of
23 wildlife shall grant or deny approval within forty-five calendar
24 days of the receipt of a complete application and notice of
25 compliance with any applicable requirements of the state
26 environmental policy act, made in the manner prescribed in this
27 section. The applicant may document receipt of application by

1 filing in person or by registered mail. A complete application for
2 approval shall contain general plans for the overall project,
3 complete plans and specifications of the proposed construction or
4 work within the mean higher high water line in salt water or within
5 the ordinary high water line in fresh water, and complete plans and
6 specifications for the proper protection of fish life. The forty-
7 five day requirement shall be suspended if (1) after ten working
8 days of receipt of the application, the applicant remains
9 unavailable or unable to arrange for a timely field evaluation of
10 the proposed project; (2) the site is physically inaccessible for
11 inspection; or (3) the applicant requests delay. Immediately upon
12 determination that the forty-five day period is suspended, the
13 department of fisheries or the department of wildlife shall notify
14 the applicant in writing of the reasons for the delay. Approval is
15 valid for a period of up to five years from date of issuance. The
16 permittee must demonstrate substantial progress on construction of
17 that portion of the project relating to the approval within two
18 years of the date of issuance. If either the department of
19 fisheries or the department of wildlife denies approval, that
20 department shall provide the applicant, in writing, a statement of
21 the specific reasons why and how the proposed project would
22 adversely affect fish life. Protection of fish life shall be the
23 only ground upon which approval may be denied or conditioned.
24 Chapter 34.05 RCW applies to any denial of project approval,
25 conditional approval, or requirements for project modification upon
26 which approval may be contingent. If any person or government
27 agency commences construction on any hydraulic works or projects
28 subject to this section without first having obtained written
29 approval of the department of fisheries or the department of

1 wildlife as to the adequacy of the means proposed for the
2 protection of fish life, or if any person or government agency
3 fails to follow or carry out any of the requirements or conditions
4 as are made a part of such approval, the person or director of the
5 agency is guilty of a gross misdemeanor. If any such person or
6 government agency is convicted of violating any of the provisions
7 of this section and continues construction on any such works or
8 projects without fully complying with the provisions hereof, such
9 works or projects are hereby declared a public nuisance and shall
10 be subject to abatement as such.

11 For the purposes of this section and RCW 75.20.103, "bed"
12 shall mean the land below the ordinary high water lines of state
13 waters. This definition shall not include irrigation ditches,
14 canals, storm water run-off devices, or other artificial
15 watercourses except where they exist in a natural watercourse that
16 has been altered by man.

17 The phrase "to construct any form of hydraulic project or
18 perform other work" shall not include the act of driving across an
19 established ford. Driving across streams or on wetted stream beds
20 at areas other than established fords requires approval. Work
21 within the ordinary high water line of state waters to construct or
22 repair a ford or crossing requires approval.

23 For each application, the department of fisheries and the
24 department of wildlife shall mutually agree on whether the
25 department of fisheries or the department of wildlife shall
26 administer the provisions of this section, in order to avoid
27 duplication of effort. The department designated to act shall
28 cooperate with the other department in order to protect all species
29 of fish life found at the project site. If the department of

1 fisheries or the department of wildlife receives an application
2 concerning a site not in its jurisdiction, it shall transmit the
3 application to the other department within three days and notify
4 the applicant.

5 In case of an emergency arising from weather or stream flow
6 conditions or other natural conditions, the department of fisheries
7 or department of wildlife, through their authorized
8 representatives, shall issue immediately upon request oral approval
9 for removing any obstructions, repairing existing structures,
10 restoring stream banks, or to protect property threatened by the
11 stream or a change in the stream flow without the necessity of
12 obtaining a written approval prior to commencing work. Conditions
13 of an oral approval shall be reduced to writing within thirty days
14 and complied with as provided for in this section. Oral approval
15 shall be granted immediately upon request, for a stream crossing
16 during an emergency situation.

17 This section shall not apply to the construction of any form
18 of hydraulic project or other work which diverts water for
19 agricultural irrigation or stock watering purposes authorized under
20 or recognized as being valid by the state's water codes, or when
21 such hydraulic project or other work is associated with streambank
22 stabilization to protect farm and agricultural land as defined in
23 RCW 84.34.020. These irrigation or stock watering diversion and
24 streambank stabilization projects shall be governed by RCW
25 75.20.103."

26 "Sec. 31. RCW 75.20.103 and 1988 c s 2 and 1988 c 36 s 34
27 are each amended to read as follows:

1 In the event that any person or government agency desires to
2 construct any form of hydraulic project or other work that diverts
3 water for agricultural irrigation or stock watering purposes, or
4 when such hydraulic project or other work is associated with
5 streambank stabilization to protect farm and agricultural land as
6 defined in RCW 84.34.020, and when such diversion or streambank
7 stabilization will use, divert, obstruct, or change the natural
8 flow or bed of any river or stream or will utilize any waters of
9 the state or materials from the stream beds, the person or
10 government agency shall, before commencing construction or work
11 thereon and to ensure the proper protection of fish life, secure a
12 written approval from the department of fisheries or the department
13 of wildlife as to the adequacy of the means proposed for the
14 protection of fish life. This approval shall not be unreasonably
15 withheld. Except as provided in sections 12 and 22 of this act,
16 ~~((F))~~the department of fisheries or the department of wildlife
17 shall grant or deny the approval within forty-five calendar days of
18 the receipt of a complete application and notice of compliance
19 with any applicable requirements of the state environmental policy
20 act, made in the manner prescribed in this section. The applicant
21 may document receipt of application by filing in person or by
22 registered mail. A complete application for an approval shall
23 contain general plans for the overall project, complete plans and
24 specifications of the proposed construction or work within ordinary
25 high water line, and complete plans and specifications for the
26 proper protection of fish life. The forty-five day requirement
27 shall be suspended if (1) after ten working days of receipt of the
28 application, the applicant remains unavailable or unable to arrange
29 for a timely field evaluation of the proposed project; (2) the site

1 is physically inaccessible for inspection; or (3) the applicant
2 requests delay.

3 Immediately upon determination that the forty-five day period
4 is suspended, the department of fisheries or the department of
5 wildlife shall notify the applicant in writing of the reasons for
6 the delay.

7 An approval shall remain in effect without need for periodic
8 renewal for projects that divert water for agricultural irrigation
9 or stock watering purposes and that involve seasonal construction
10 or other work. Approval for streambank stabilization projects
11 shall remain in effect without need for periodic renewal if the
12 problem causing the need for the streambank stabilization occurs on
13 an annual or more frequent basis. The permittee must notify the
14 appropriate agency before commencing the construction or other work
15 within the area covered by the approval.

16 The permittee must demonstrate substantial progress on
17 construction of that portion of the project relating to the
18 approval within two years of the date of issuance. If either the
19 department of fisheries or the department of wildlife denies
20 approval, that department shall provide the applicant, in writing,
21 a statement of the specific reasons why and how the proposed
22 project would adversely affect fish life. Protection of fish life
23 shall be the only ground upon which approval may be denied or
24 conditioned. Issuance, denial, conditioning, or modification shall
25 be appealable to the hydraulic appeals board established in RCW
26 43.21B.005 within thirty days of the notice of decision. The
27 burden shall be upon the department of fisheries or the department
28 of wildlife to show that the denial or conditioning of an approval
29 is solely aimed at the protection of fish life.

1 The department granting approval may, after consultation with
2 the permittee, modify an approval due to changed conditions. The
3 modifications shall become effective unless appealed to the
4 hydraulic appeals board within thirty days from the notice of the
5 proposed modification. The burden is on the department issuing the
6 approval to show that changed conditions warrant the modification
7 in order to protect fish life.

8 A permittee may request modification of an approval due to
9 changed conditions. The request shall be processed within forty-
10 five calendar days of receipt of the written request. A decision
11 by the department that issued the approval may be appealed to the
12 hydraulic appeals board within thirty days of the notice of the
13 decision. The burden is on the permittee to show that changed
14 conditions warrant the requested modification and that such
15 modification will not impair fish life.

16 If any person or government agency commences construction on
17 any hydraulic works or projects subject to this section without
18 first having obtained written approval of the department of
19 fisheries or the department of wildlife as to the adequacy of the
20 means proposed for the protection of fish life, or if any person or
21 government agency fails to follow or carry out any of the
22 requirements or conditions as are made a part of such approval, the
23 person or director of the agency is guilty of a gross misdemeanor.
24 If any such person or government agency is convicted of violating
25 any of the provisions of this section and continues construction on
26 any such works or projects without fully complying with the
27 provisions hereof, such works or projects are hereby declared a
28 public nuisance and shall be subject to abatement as such.

1 For each application, the department of fisheries and the
2 department of wildlife shall mutually agree on whether the
3 department of fisheries or the department of wildlife shall
4 administer the provisions of this section, in order to avoid
5 duplication of effort. The department designated to act shall
6 cooperate with the other department in order to protect all species
7 of fish life found at the project site. If the department of
8 fisheries or the department of wildlife receives an application
9 concerning a site not in its jurisdiction, it shall transmit the
10 application to the other department within three days and notify
11 the applicant.

12 In case of an emergency arising from weather or stream flow
13 conditions or other natural conditions, the department of fisheries
14 or department of wildlife, through their authorized
15 representatives, shall issue immediately upon request oral approval
16 for removing any obstructions, repairing existing structures,
17 restoring stream banks, or to protect property threatened by the
18 stream or a change in the stream flow without the necessity of
19 obtaining a written approval prior to commencing work. Conditions
20 of an oral approval shall be reduced to writing within thirty days
21 and complied with as provided for in this section.

22 For purposes of this chapter, "streambank stabilization" shall
23 include but not be limited to log and debris removal, bank
24 protection (including riprap, jetties, and groins), gravel removal
25 and erosion control."

26 "**Sec. 32.** RCW 90.58.100 and 1971 ex.s c 286 s 10 are each
27 amended to read as follows:

1 (1) The master programs provided for in this chapter, when
2 adopted and approved by the department, as appropriate, shall
3 constitute use regulations for the various shorelines of the state.
4 In preparing the master programs, and any amendments thereto, the
5 department and local governments shall to the extent feasible:

6 (a) Utilize a systematic interdisciplinary approach which will
7 insure the integrated use of the natural and social sciences and
8 the environmental design arts;

9 (b) Consult with and obtain the comments of any federal,
10 state, regional, or local agency having any special expertise with
11 respect to any environmental impact;

12 (c) Consider all plans, studies, surveys, inventories, and
13 systems of classification made or being made by federal, state,
14 regional, or local agencies, by private individuals, or by
15 organizations dealing with pertinent shorelines of the state;

16 (d) Conduct or support such further research, studies,
17 surveys, and interviews as are deemed necessary;

18 (e) Utilize all available information regarding hydrology,
19 geography, topography, ecology, economics, and other pertinent
20 data;

21 (f) Employ, when feasible, all appropriate, modern scientific
22 data processing and computer techniques to store, index, analyze,
23 and manage the information gathered.

24 (2) The master programs shall include, when appropriate, the
25 following:

26 (a) An economic development element for the location and
27 design of industries, transportation facilities, port facilities,
28 tourist facilities, commerce and other developments that are

1 particularly dependent on their location on or use of the
2 shorelines of the state;

3 (b) A public access element making provision for public access
4 to publicly owned areas;

5 (c) A recreational element for the preservation and
6 enlargement of recreational opportunities, including but not
7 limited to parks, tidelands, beaches, and recreational areas;

8 (d) A circulation element consisting of the general location
9 and extent of existing and proposed major thoroughfares,
10 transportation routes, terminals, and other public utilities and
11 facilities, all correlated with the shoreline use element;

12 (e) A use element which considers the proposed general
13 distribution and general location and extent of the use on
14 shorelines and adjacent land areas for housing, business, industry,
15 transportation, agriculture, natural resources, recreation,
16 education, public buildings and grounds, and other categories of
17 public and private uses of the land;

18 (f) A conservation element for the preservation of natural
19 resources, including but not limited to scenic vistas, aesthetics,
20 and vital estuarine areas for fisheries and wildlife protection;

21 (g) An historic, cultural, scientific, and educational element
22 for the protection and restoration of buildings, sites, and areas
23 having historic, cultural, scientific, or educational values;

24 ((and))

25 (h) An element that gives consideration to the state-wide
26 interest in the prevention and minimization of flood damages; and

27 (i) Any other element deemed appropriate or necessary to
28 effectuate the policy of this chapter.

1 (3) The master programs shall include such map or maps,
2 descriptive text, diagrams and charts, or other descriptive
3 material as are necessary to provide for ease of understanding.

4 (4) Master programs will reflect that state-owned shorelines
5 of the state are particularly adapted to providing wilderness
6 beaches, ecological study areas, and other recreational activities
7 for the public and will give appropriate special consideration to
8 same.

9 (5) Each master program shall contain provisions to allow for
10 the varying of the application of use regulations of the program,
11 including provisions for permits for conditional uses and
12 variances, to insure that strict implementation of a program will
13 not create unnecessary hardships or thwart the policy enumerated in
14 RCW 90.58.020. Any such varying shall be allowed only if
15 extraordinary circumstances are shown and the public interest
16 suffers no substantial detrimental effect. The concept of this
17 subsection shall be incorporated in the rules adopted by the
18 department relating to the establishment of a permit system as
19 provided in RCW 90.58.140(3)."

20 "NEW SECTION. **Sec. 33.** (1) The purpose of this section is
21 to develop, and test on a pilot basis, a cooperative,
22 interjurisdictional approach to processing permit applications for
23 projects related to flood control. The objectives of the pilot
24 shall be to:

25 (a) (i) Identify opportunities and methods for expediting and
26 coordinating permit decision making processes that involve multiple
27 jurisdictions and state agencies; and (ii) assess the effects of
28 acting in a coordinated and expedited manner; and

1 (b) (i) Identify opportunities during the permit decision
2 making process for state agencies and local governments to consider
3 potential flood control benefits consistent with the policies,
4 mandates, and requirements of current law; (ii) Identify where in
5 the permitting process, impediments to the consideration of
6 potential flood control benefits exist; and, (iii) Assess how the
7 consideration of any potential flood control benefits of an
8 individual project during the permitting process for that project,
9 may or may not be compatible with the objective of comprehensive
10 and coordinated flood control.

11 (2) The pilot shall consist of up to one project in each of
12 the counties declared a federal disaster area as a result of the
13 November and December, 1990 floods.

14 (3) (a) The departments of ecology, wildlife, fisheries and
15 natural resources shall participate in the pilot. The department
16 of ecology shall act as the lead agency among the state agencies
17 and shall coordinate among the state agencies as necessary.

18 (b) The department of ecology shall notify each of the
19 eligible counties of the pilot, describe the nature of the pilot,
20 and invite county participation. When a county, eligible to
21 participate in the pilot, receives an application for a project
22 that will require permits or authorizations from multiple
23 jurisdictions, and in the county's judgment the proposed project
24 offers an appropriate opportunity to test the permitting process
25 under subsection (1) of this section, the county, with the approval
26 of the project applicant, may request that the department of
27 ecology include the project as part of the pilot. The department
28 of ecology shall make a decision on the county's request and inform
29 the county of its decision within seven working days.

1 In selecting projects for the pilot, the department of ecology
2 shall provide an opportunity to test and evaluate a variety of
3 applications of subsection (1) of this section, including, but not
4 limited to: application to storm water management, dredging,
5 streambank stabilization, and dike construction or repair. When
6 the county receives notification that a project has been approved
7 for inclusion in the pilot, the county shall schedule an initial
8 coordination meeting and contact all appropriate agencies and the
9 project applicant. Other local jurisdictions, including but not
10 limited to cities, diking districts, and flood management
11 districts, shall be invited to participate when a project is
12 selected for inclusion in the pilot and those jurisdictions have a
13 role in the permitting process.

14 The purpose of the coordination meeting shall be to:

15 (i) Identify all necessary permit requirements;

16 (ii) Determine the sequence of permitting decisions and
17 opportunities where those decisions can be made concurrently;

18 (iii) Determine a timeline for the decisions and how those
19 decisions can be expedited; and

20 (iv) Work with the applicant to make sure that he or she
21 understands how the process will work, what the applicant is
22 responsible for, and when those responsibilities must be met in
23 order to adhere to the overall permitting timeline.

24 (4) The department of ecology shall determine the number of
25 projects to be included in the pilot based on available funding in
26 the flood control assistance account. The department shall
27 authorize flood control assistance account funding for a minimum of
28 three projects.

1 (5) The department of ecology, in cooperation with the
2 participating counties, other participating local jurisdictions,
3 and state agencies, shall submit a final report on the pilot to the
4 appropriate committees of the legislature by December 1, 1992. The
5 report shall include an assessment of the degree to which the pilot
6 project achieved the objectives identified in subsection (1) of
7 this section."

8 "NEW SECTION. Sec. 34." Section 22 of this act is
9 necessary for the immediate preservation of the public peace,
10 health, or safety, or support of the state government and its
11 existing public institutions, and shall take effect immediately."

12 **ESSB 5411** - H Amd
13 By Representative R. Johnson

14 On page 1, line 1 of the title, after "damage;" strike the
15 remainder of the title and insert "amending RCW 86.26.050,
16 86.26.090, 86.26.100, 38.52.030, 36.70A.150, 79.90.130, 79.90.150,
17 79.90.300, 47.28.140, 75.20.100, 75.20.103, and 90.58.100;
18 reenacting and amending RCW 86.16.110; reenacting RCW 86.15.178;
19 recodifying RCW 79.01.135; adding new sections to chapter 86.12
20 RCW; adding a new section to chapter 86.15 RCW; adding a new
21 section to chapter 86.16 RCW; adding new sections to chapter 75.20
22 RCW; repealing RCW 79.90.140, 86.15.040, 86.16.027, 86.16.030,
23 86.16.040, 86.16.060, 86.16.065, 86.16.067, 86.16.070, 86.16.080,

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1 86.16.090, and 86.16.170; creating new sections; and declaring an
2 emergency."