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ENGROSSED SUBSTITUTE HOUSE BILL 2026

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State of Washington

52nd Legislature

1991 Regular Session

By House Committee on Natural Resources & Parks (originally sponsored by Representatives Fraser, Miller, Valle, Rayburn, McLean, Belcher, Jacobsen, Nealey, Paris, Winsley and Chandler; by request of Jnt Sel Com on Water Resource Policy).

Read first time March 6, 1991.

1 AN ACT Relating to water resource management; amending RCW  
2 90.03.380, 19.27.170, 35.67.020, 56.16.090, 57.20.020, 54.24.080,  
3 80.28.010, and 80.28.025; reenacting and amending RCW 35.92.010; adding  
4 new sections to chapter 90.54 RCW; adding a new section to chapter  
5 90.14 RCW; adding new sections to chapter 90.03 RCW; adding a new  
6 section to chapter 18.104 RCW; adding a new section to chapter 65.08  
7 RCW; adding a new section to chapter 65.12 RCW; adding a new section to  
8 chapter 84.36 RCW; adding a new section to chapter 82.04 RCW; adding a  
9 new section to chapter 82.12 RCW; adding a new chapter to Title 90 RCW;  
10 adding a new chapter to Title 82 RCW; creating new sections; making  
11 appropriations; providing an effective date; providing an expiration  
12 date; and declaring an emergency.

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

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

1 (a) The state of Washington is faced with a continuing shortage of  
2 water with which to meet existing and future water needs;

3 (b) The state, local governments, federally recognized tribal  
4 governments, and various private interests representing a broad range  
5 of water users and interests have agreed to pursue a cooperative water  
6 resources planning and management effort. This effort will address  
7 both current water needs, conflicts, critical situations, and long-term  
8 future needs;

9 (c) Conservation and water use efficiency programs should be the  
10 preferred method of addressing water uses because they can relieve  
11 current critical water situations, provide for presently unmet needs,  
12 and assist in meeting future water needs. It is further recognized  
13 that other combinations of water management tools may be necessary to  
14 resolve particular water resource needs within regions of the state;  
15 and

16 (d) The interests of the state will be served by developing  
17 programs and regional water resource plans, in cooperation with local  
18 governments, federally recognized tribal governments, appropriate  
19 federal agencies, private citizens, and the various water users and  
20 water interests in the state, that increase the overall ability to  
21 manage the state's waters in order to better satisfy both present and  
22 future needs for water.

23 (2) Consistent with the findings of this section, the purposes of  
24 this act are to:

25 (a) Improve the ability of the state to work with the United  
26 States, local governments, federally recognized tribal governments,  
27 water users, and various water interests in water conservation and  
28 water use efficiency programs designed to satisfy existing rights,  
29 presently unmet needs, and future needs, both instream and out-of-  
30 stream;

1 (b) Establish new incentives, enhance existing incentives, and  
2 remove disincentives for efficient water use;

3 (c) Establish improved means to disseminate information to the  
4 public and provide technical assistance regarding ways to improve the  
5 efficiency of water use;

6 (d) Create a trust water rights mechanism for the acquisition of  
7 water rights on a voluntary basis to be used to meet presently unmet  
8 needs and future needs;

9 (e) Accelerate the adoption of water efficiency, conservation, and  
10 recycling, including water efficient plumbing fixtures, irrigation  
11 systems and methods, landscaping techniques, conservation rates,  
12 conservation plans, and wastewater reclamation and reuse;

13 (f) Eliminate tax disincentives to water conservation, reuse, and  
14 improved water use efficiency;

15 (g) Require evaluation of state facilities and property to identify  
16 cost-effective water use efficiency improvement opportunities;

17 (h) Add achievement of water conservation as a factor to be  
18 considered by water supply utilities in setting water rates;

19 (i) Establish a water restoration account for deposit of water  
20 resources civil penalties and for use in restoring damaged water and  
21 related resources; and

22 (j) Establish means for providing funding for water resources  
23 related initiatives, including planning and water conservation.

24 NEW SECTION. **Sec. 2.** A new section is added to chapter 90.54 RCW  
25 to read as follows:

26 (1) State funding of water resource, supply, and quality related  
27 capital programs, both current and future, shall, to the maximum extent  
28 possible within state or federal legal requirements, be directed to  
29 assist in the resolution of current conflicts and implementation of

1 regional water resource plans with priority given to current needs over  
2 new requirements.

3 (2) Priority shall be given, to the maximum extent possible within  
4 state or federal legal requirements, to those water conservation  
5 projects funded by the state that will result in the greatest water  
6 savings.

7 NEW SECTION. **Sec. 3.** (1) The legislature finds that a need  
8 exists for a means to facilitate the voluntary transfer of water and  
9 water rights, including conserved water, to provide water for presently  
10 unmet needs and emerging needs. The purpose of this chapter is to  
11 provide the mechanism for accomplishing this in a manner that will not  
12 impair existing rights to water.

13 (2) This chapter applies to all areas of the state except the  
14 Yakima river basin, which is governed by chapter 90.38 RCW.

15 NEW SECTION. **Sec. 4.** Unless the context clearly requires  
16 otherwise, the definitions in this section apply throughout this  
17 chapter.

18 (1) "Department" means the department of ecology.

19 (2) "Net water savings" means the amount of water that is  
20 determined to be conserved and usable for other purposes without  
21 impairing water rights existing at the time that a water conservation  
22 project is undertaken, reducing the ability to deliver water, or  
23 reducing the supply of water that otherwise would have been available  
24 to other existing water uses.

25 (3) "Trust water right" means any water right acquired by the state  
26 under this chapter for management in the state's trust water rights  
27 program.

1 (4) "Water conservation project" means any project or program that  
2 achieves physical or operational improvements that provide for  
3 increased water use efficiency in existing systems of diversion,  
4 conveyance, application, or use of water under water rights existing on  
5 the effective date of this section.

6 NEW SECTION. **Sec. 5.** (1) For purposes of this chapter, the  
7 state may enter into contracts to provide moneys to assist in the  
8 financing of water conservation projects. In consideration for the  
9 financial assistance provided, the state shall obtain public benefits  
10 defined in guidelines developed under section 8 of this act.

11 (2) If the public benefits to be obtained require conveyance or  
12 modification of a water right, the recipient of funds shall convey to  
13 the state the recipient's interest in that part of the water right or  
14 claim constituting all or a portion of the resulting net water savings  
15 for deposit in the trust water rights program. The amount to be  
16 conveyed shall be finitely determined by the parties, in accordance  
17 with the guidelines developed under section 8 of this act, before the  
18 expenditure of state funds. Conveyance may consist of complete  
19 transfer, lease contracts, or other legally binding agreements.

20 (3) If, as a result of a water conservation project and conveyance  
21 to the state of net water savings as provided in this section, the  
22 remaining water right of the participant is in excess of the quantity  
23 that can be beneficially used, the participant may be required to  
24 relinquish the excess portion of the remaining water right.

25 (4) No contract for acquisition of trust water rights under this  
26 section may be entered into by the state unless it appears that, upon  
27 completion of a water conservation project or program financed with  
28 moneys as provided in this section, a valid water right or portion  
29 thereof will exist for conveyance to the state.

1 (5) The state shall cooperate fully with the United States in the  
2 implementation of this chapter. Trust water rights may be acquired  
3 through expenditure of funds provided by the United States and shall be  
4 treated in the same manner as trust water rights resulting from the  
5 expenditure of state funds.

6 (6) If water is proposed to be acquired by or conveyed to the state  
7 as a trust water right by an irrigation district, evidence of the  
8 district's authority to represent the water right holders shall be  
9 submitted to and for the satisfaction of the department.

10 (7) The state shall not contract with any person to acquire a water  
11 right served by an irrigation district without the approval of the  
12 board of directors of the irrigation district. Disapproval by a board  
13 shall be factually based on probable adverse effects on the ability of  
14 the district to deliver water to other members or on maintenance of the  
15 financial integrity of the district.

16 NEW SECTION. **Sec. 6.** (1) The state may acquire all or  
17 portions of existing water rights, by purchase, gift, or other  
18 appropriate means other than by condemnation, from any person or entity  
19 or combination of persons or entities. Once acquired, such rights are  
20 trust water rights.

21 (2) The department may enter into leases, contracts, or such other  
22 arrangements with other persons or entities as appropriate, to ensure  
23 that trust water rights acquired in accordance with this chapter may be  
24 exercised to the fullest possible extent.

25 (3) Trust water rights may be acquired by the state on a temporary  
26 or permanent basis.

27 NEW SECTION. **Sec. 7.** (1) All trust water rights acquired by  
28 the state shall be placed in the state trust water rights program to be

1 managed by the department. Trust water rights acquired by the state  
2 shall be held or authorized for use by the department for instream  
3 flows, irrigation, municipal, or other beneficial uses consistent with  
4 applicable regional plans and critical resource area agreements, or for  
5 other areas of the state as determined by the department under the  
6 guidelines required in section 8 of this act.

7 (2) The department shall issue a water right certificate in the  
8 name of the state of Washington for each permanent trust water right  
9 conveyed to the state and shall issue a superseding certificate, if  
10 applicable, to the original water right holder for the portion of the  
11 water right required for beneficial use following such conveyance. The  
12 superseding certificate shall retain the same priority date as the  
13 original right. For nonpermanent conveyances, the department shall  
14 issue certificates or such other instruments as are necessary to  
15 reflect the changes in purpose or place of use or point of diversion or  
16 withdrawal. Water rights for which such nonpermanent conveyances are  
17 arranged shall not be subject to relinquishment for nonuse.

18 (3) A trust water right retains the same priority date as the water  
19 right from which it originated, but as between them the trust right  
20 shall be deemed to be inferior in priority unless otherwise specified  
21 by an agreement between the state and the party holding the original  
22 right.

23 (4) Exercise of a trust water right may be authorized only if the  
24 department first determines that neither water rights existing at the  
25 time the trust water right is established, nor the public interest will  
26 be impaired. If impairment becomes apparent during the time a trust  
27 water right is being exercised, the department shall cease or modify  
28 the use of the trust water right to eliminate the impairment.

29 (5) Before any trust water right is created or modified, the  
30 department shall, at a minimum, require that a notice be published in

1 a newspaper of general circulation published in the county or counties  
2 in which the storage, diversion, and use are to be made, and in other  
3 newspapers as the department determines is necessary, once a week for  
4 two consecutive weeks. At the same time the department shall send a  
5 notice containing pertinent information to all appropriate state  
6 agencies, potentially affected local governments and federally  
7 recognized tribal governments, and other interested parties.

8 (6) RCW 90.14.140 through 90.14.230 have no applicability to trust  
9 water rights held by the department under this chapter or exercised  
10 under this section.

11 (7) RCW 90.03.380 has no applicability to trust water rights  
12 acquired by the state through the funding of water conservation  
13 projects.

14 NEW SECTION. **Sec. 8.** The department, in cooperation with  
15 federally recognized Indian tribes, local governments, state agencies,  
16 and other interested parties, shall establish guidelines by July 1,  
17 1992, governing the acquisition, administration, and management of  
18 trust water rights. The guidelines shall address at a minimum the  
19 following:

20 (1) Methods for determining the net water savings resulting from  
21 water conservation projects or programs carried out in accordance with  
22 this chapter, and other factors to be considered in determining the  
23 quantity or value of water available for potential designation as a  
24 trust water right;

25 (2) Criteria for determining the portion of net water savings to be  
26 conveyed to the state under this chapter;

27 (3) Criteria for prioritizing water conservation projects;

28 (4) A description of potential public benefits that will affect  
29 consideration for state financial assistance in section 5 of this act;



1 (5) Procedures for providing notification to potentially interested  
2 parties;

3 (6) Criteria for the assignment of uses of trust water rights  
4 acquired in areas of the state not addressed in a regional water  
5 resource plan or critical area agreement; and

6 (7) Contracting procedures and other procedures not specifically  
7 addressed in this section.

8 NEW SECTION. **Sec. 9.** The policies and purposes of this  
9 chapter shall not be construed as replacing or amending the policies or  
10 the purposes for which funds available under chapter 43.83B or 43.99E  
11 RCW may be used.

12 NEW SECTION. **Sec. 10.** Nothing in this chapter authorizes the  
13 involuntary impairment of any existing water rights, nor shall this  
14 chapter apply to any projects or programs within the exterior  
15 boundaries of any Indian reservation without the express approval of  
16 the tribe.

17 NEW SECTION. **Sec. 11.** A new section is added to chapter 90.14 RCW  
18 to read as follows:

19 This chapter shall not apply to trust water rights held or  
20 exercised by the department of ecology under chapter 90.38 or 90.-- RCW  
21 (sections 3 through 10 of this act).

22 **Sec. 12.** RCW 90.03.380 and 1987 c 109 s 94 are each amended to  
23 read as follows:

24 The right to the use of water which has been applied to a  
25 beneficial use in the state shall be and remain appurtenant to the land  
26 or place upon which the same is used: PROVIDED, HOWEVER, That said

1 right may be transferred to another or to others and become appurtenant  
2 to any other land or place of use without loss of priority of right  
3 theretofore established if such change can be made without detriment or  
4 injury to existing rights. The point of diversion of water for  
5 beneficial use or the purpose of use may be changed, if such change can  
6 be made without detriment or injury to existing rights. Before any  
7 transfer of such right to use water or change of the point of diversion  
8 of water or change of purpose of use can be made, any person having an  
9 interest in the transfer or change, shall file a written application  
10 therefor with the department, and said application shall not be granted  
11 until notice of said application shall be published as provided in RCW  
12 90.03.280. If it shall appear that such transfer or such change may be  
13 made without injury or detriment to existing rights, the department  
14 shall issue to the applicant a certificate in duplicate granting the  
15 right for such transfer or for such change of point of diversion or of  
16 use. The certificate so issued shall be filed and be made a record  
17 with the department and the duplicate certificate issued to the  
18 applicant may be filed with the county auditor in like manner and with  
19 the same effect as provided in the original certificate or permit to  
20 divert water.

21 This section shall not apply to trust water rights acquired by the  
22 state through the funding of water conservation projects under chapter  
23 90.38 or 90.-- RCW (sections 3 through 10 of this 1991 act).

24 **Sec. 13.** RCW 19.27.170 and 1989 c 348 s 8 are each amended to read  
25 as follows:

26 (1) The state building code council shall adopt rules under chapter  
27 34.05 RCW that implement and incorporate the water conservation  
28 performance standards in subsections ~~((+3))~~ (4) and ~~((+4))~~ (5) of  
29 this section. These standards shall apply to all new construction and

1 all remodeling involving replacement of plumbing fixtures in all  
2 residential, hotel, motel, school, industrial, commercial use, or other  
3 occupancies determined by the council to use significant quantities of  
4 water.

5 (2) The legislature recognizes that a phasing-in approach to these  
6 new standards is appropriate. Therefore, standards in subsection  
7 (~~((3))~~) (4) of this section shall take effect on July 1, 1990. The  
8 standards in subsection (~~((4))~~) (5) of this section shall take effect  
9 July 1, 1993.

10 (3) No individual, public or private corporation, firm, political  
11 subdivision, government agency, or other legal entity may, for purposes  
12 of use in this state, distribute, sell, offer for sale, import,  
13 install, or approve for installation any plumbing fixtures unless the  
14 fixtures meet the standards as provided for in this section.

15 (4) Standards for water use efficiency effective July 1, 1990.

16 (a) Standards for waterclosets. The guideline for maximum water  
17 use allowed in gallons per flush (gpf) for any of the following  
18 waterclosets is the following:

19 Tank-type toilets..... 3.5 gpf.

20 Flushometer-valve toilets..... 3.5 gpf.

21 Flushometer-tank toilets..... 3.5 gpf.

22 Electromechanical hydraulic toilets..... 3.5 gpf.

23 (b) Standard for urinals. The guideline for maximum water use  
24 allowed for any urinal is 3.0 gallons per flush.

25 (c) Standard for showerheads. The guideline for maximum water use  
26 allowed for any showerhead is 3.0 gallons per minute.

27 (d) Standard for faucets. The guideline for maximum water use  
28 allowed in gallons per minute (gpm) for any of the following faucets  
29 and replacement aerators is the following:

30 Bathroom faucets..... 3.0 gpm.

- 1 Lavatory faucets..... 3.0 gpm.
- 2 Kitchen faucets..... 3.0 gpm.
- 3 Replacement aerators..... 3.0 gpm.

4 (e) Except where designed and installed for use by the physically  
5 handicapped, lavatory faucets located in restrooms intended for use by  
6 the general public must be equipped with a metering valve designed to  
7 close by spring or water pressure when left unattended (self-closing).

8 (f) No urinal or watercloset that operates on a continuous flow or  
9 continuous flush basis shall be permitted.

10 ((+4)) (5) Standards for water use efficiency effective July 1,  
11 1993.

12 (a) Standards for waterclosets. The guideline for maximum water  
13 use allowed in gallons per flush (gpf) for any of the following  
14 waterclosets is the following:

- 15 Tank-type toilets..... 1.6 gpf.
- 16 Flushometer-tank toilets..... 1.6 gpf.
- 17 Electromechanical hydraulic toilets..... 1.6 gpf.

18 (b) Standards for urinals. The guideline for maximum water use  
19 allowed for any urinal is 1.0 gallons per flush.

20 (c) Standards for showerheads. The guideline for maximum water use  
21 allowed for any showerhead is 2.5 gallons per minute.

22 (d) Standards for faucets. The guideline for maximum water use  
23 allowed in gallons per minute for any of the following faucets and  
24 replacement aerators is the following:

- 25 Bathroom faucets..... 2.5 gpm.
- 26 Lavatory faucets..... 2.5 gpm.
- 27 Kitchen faucets..... 2.5 gpm.
- 28 Replacement aerators..... 2.5 gpm.

29 (e) Except where designed and installed for use by the physically  
30 handicapped, lavatory faucets located in restrooms intended for use by

1 the general public must be equipped with a metering valve designed to  
2 close by water pressure when unattended (self-closing).

3 (f) No urinal or watercloset that operates on a continuous flow or  
4 continuous basis shall be permitted.

5 ~~((5) The building code council shall make an assessment regarding  
6 the low volume fixtures required under subsection (4) of this section.  
7 The assessment shall consider the availability of low volume fixtures  
8 which are technologically feasible, will operate effectively, and are  
9 economically justified. The council shall also assess the potential  
10 impact on the necessary flow or water required to insure sewerage or  
11 septic lines and treatment plants will effectively operate.~~

12 ~~The council shall submit a report to the chief clerk of the house  
13 of representatives and the secretary of the senate by October 30, 1992,  
14 setting forth its conclusions, and any recommendations for legislative  
15 action.))~~

16 (6) The building code council shall establish methods and  
17 procedures for testing and identifying fixtures that meet the standards  
18 established in this section. The council shall use the testing  
19 standards designated as American national standards, written under  
20 American national standards institute procedures or other widely  
21 recognized national testing standards. The council shall either review  
22 test results from independent testing laboratories that are submitted  
23 by manufacturers of plumbing fixtures or accept data submitted to and  
24 evaluated by the international association of plumbing and mechanical  
25 officials. The council shall publish and widely distribute a current  
26 list of fixtures that meet the standards of this section.

27 (7) The building code council shall adopt rules for marking and  
28 labeling fixtures meeting the standards of this section.

29 (8) This section shall not apply to fixtures installed before the  
30 effective date of this section that are removed and relocated to

1 another room or area of the same building after the effective date of  
2 this section, nor shall it apply to fixtures, as determined by the  
3 council, that in order to perform a specialized function, cannot meet  
4 the standards specified in this section.

5 (9) The water conservation performance standards shall supersede  
6 all local government codes. After July 1, 1990, cities, towns, and  
7 counties shall not amend the code revisions and standards established  
8 under subsection (~~((3) or~~) (4) or (5) of this section.

9 **Sec. 14.** RCW 35.67.020 and 1965 c 7 s 35.67.020 are each amended  
10 to read as follows:

11 Every city and town may construct, condemn and purchase, acquire,  
12 add to, maintain, conduct, and operate systems of sewerage and systems  
13 and plants for refuse collection and disposal together with additions,  
14 extensions, and betterments thereto, within and without its limits,  
15 with full jurisdiction and authority to manage, regulate, and control  
16 them and to fix, alter, regulate, and control the rates and charges for  
17 the use thereof: PROVIDED, That the rates charged must be uniform for  
18 the same class of customers or service. In classifying customers  
19 served or service furnished by such system of sewerage, the city or  
20 town legislative body may in its discretion consider any or all of the  
21 following factors: The difference in cost of service to the various  
22 customers; the location of the various customers within and without the  
23 city or town; the difference in cost of maintenance, operation, repair,  
24 and replacement of the various parts of the system; the different  
25 character of the service furnished various customers; the quantity and  
26 quality of the sewage delivered and the time of its delivery; the  
27 achievement of water conservation goals and the discouragement of  
28 wasteful water use practices; capital contributions made to the system,

1 including but not limited to, assessments; and any other matters which  
2 present a reasonable difference as a ground for distinction.

3 **Sec. 15.** RCW 35.92.010 and 1985 c 445 s 4 and 1985 c 444 s 2 are  
4 each reenacted and amended to read as follows:

5 A city or town may construct, condemn and purchase, purchase,  
6 acquire, add to, alter, maintain and operate waterworks, within or  
7 without its limits, for the purpose of furnishing the city and its  
8 inhabitants, and any other persons, with an ample supply of water for  
9 all purposes, public and private, including water power and other power  
10 derived therefrom, with full power to regulate and control the use,  
11 distribution, and price thereof: PROVIDED, That the rates charged must  
12 be uniform for the same class of customers or service. Such waterworks  
13 may include facilities for the generation of electricity as a byproduct  
14 and such electricity may be used by the city or town or sold to an  
15 entity authorized by law to distribute electricity. Such electricity  
16 is a byproduct when the electrical generation is subordinate to the  
17 primary purpose of water supply. In classifying customers served or  
18 service furnished, the city or town governing body may in its  
19 discretion consider any or all of the following factors: The  
20 difference in cost of service to the various customers; location of the  
21 various customers within and without the city or town; the difference  
22 in cost of maintenance, operation, repair, and replacement of the  
23 various parts of the system; the different character of the service  
24 furnished various customers; the quantity and quality of the water  
25 furnished; the time of its use; the achievement of water conservation  
26 goals and the discouragement of wasteful water use practices; capital  
27 contributions made to the system including, but not limited to,  
28 assessments; and any other matters which present a reasonable  
29 difference as a ground for distinction. No rate shall be charged that

1 is less than the cost of the water and service to the class of  
2 customers served.

3 For such purposes any city or town may take, condemn and purchase,  
4 purchase, acquire, and retain water from any public or navigable lake  
5 or watercourse, surface or ground, and, by means of aqueducts or pipe  
6 lines, conduct it to the city or town; and it may erect and build dams  
7 or other works across or at the outlet of any lake or watercourse in  
8 this state for the purpose of storing and retaining water therein up to  
9 and above high water mark; and for all the purposes of erecting such  
10 aqueducts, pipe lines, dams, or waterworks or other necessary  
11 structures in storing and retaining water, or for any of the purposes  
12 provided for by this chapter, the city or town may occupy and use the  
13 beds and shores up to the high water mark of any such watercourse or  
14 lake, and acquire the right by purchase, or by condemnation and  
15 purchase, or otherwise, to any water, water rights, easements or  
16 privileges named in this chapter, or necessary for any of said  
17 purposes, and the city or town may acquire by purchase or condemnation  
18 and purchase any properties or privileges necessary to be had to  
19 protect its water supply from pollution. Should private property be  
20 necessary for any such purposes or for storing water above high water  
21 mark, the city or town may condemn and purchase, or purchase and  
22 acquire such private property. For the purposes of waterworks which  
23 include facilities for the generation of electricity as a byproduct,  
24 nothing in this section may be construed to authorize a city or town  
25 that does not own or operate an electric utility system to condemn  
26 electric generating, transmission, or distribution rights or facilities  
27 of entities authorized by law to distribute electricity, or to acquire  
28 such rights or facilities without the consent of the owner.



1       **Sec. 16.** RCW 56.16.090 and 1974 ex.s. c 58 s 3 are each amended to  
2 read as follows:

3       The sewer commissioners of any sewer district, in the event that  
4 such sewer revenue bonds are issued, shall provide for revenues by  
5 fixing rates and charges for the furnishing of sewerage disposal  
6 service to those to whom such service is available. Such rates and  
7 charges may be combined for the furnishing of more than one type of  
8 sewer service such as but not limited to storm or surface water and  
9 sanitary. Such rates and charges are to be fixed as deemed necessary  
10 by such sewer commissioners, so that uniform charges will be made for  
11 the same class of customer or service. In classifying customers served  
12 or service furnished by such system of sewerage, the board of  
13 commissioners may in its discretion consider any or all of the  
14 following factors: The difference in cost of service to the various  
15 customers; the location of the various customers within and without the  
16 district; the difference in cost of maintenance, operation, repair, and  
17 replacement of the various parts of the system; the different character  
18 of the service furnished various customers; the quantity and quality of  
19 the sewage delivered and the time of its delivery; the achievement of  
20 water conservation goals and the discouragement of wasteful water use  
21 practices; capital contributions made to the system including but not  
22 limited to assessments; and any other matters which present a  
23 reasonable difference as a ground for distinction. Such rates are to  
24 be made on a monthly basis and shall produce revenues sufficient to  
25 take care of the costs of maintenance and operation, revenue bond and  
26 warrant interest and principal amortization requirements, and all other  
27 charges necessary for efficient and proper operation of the system.

28       **Sec. 17.** RCW 57.20.020 and 1983 c 167 s 164 are each amended to  
29 read as follows:

1           (1) Whenever any issue or issues of water revenue bonds have been  
2 authorized in compliance with the provisions of RCW 57.16.010 through  
3 57.16.040, said bonds shall be in bearer form or registered as to  
4 principal or interest or both, as provided in RCW 39.46.030, and may  
5 provide for conversion between registered and coupon bonds; shall be in  
6 such denominations, shall be numbered, shall bear such date, and shall  
7 be payable at such time or times up to a maximum period of not to  
8 exceed thirty years as shall be determined by the board of water  
9 commissioners of the district; shall bear interest at such rate or  
10 rates payable at such time or times as authorized by the board; shall  
11 be payable at the office of the county treasurer of the county in which  
12 the water district is located and may also be payable at such other  
13 place or places as the board of water commissioners may determine;  
14 shall be executed by the president of the board of water commissioners  
15 and attested and sealed by the secretary thereof, one of which  
16 signatures may, with the written permission of the signator whose  
17 facsimile signature is being used, be a facsimile; and may have  
18 facsimile signatures of said president or secretary imprinted on any  
19 interest coupons in lieu of original signatures.

20           The water district commissioners shall have power and are required  
21 to create a special fund or funds for the sole purpose of paying the  
22 interest and principal of such bonds into which special fund or funds  
23 the said water district commissioners shall obligate and bind the water  
24 district to set aside and pay a fixed proportion of the gross revenues  
25 of the water supply system or any fixed amount out of and not exceeding  
26 a fixed proportion of such revenues, or a fixed amount or amounts  
27 without regard to any fixed proportion and such bonds and the interest  
28 thereof shall be payable only out of such special fund or funds, but  
29 shall be a lien and charge against all revenues and payments received

1 from any utility local improvement district or districts pledged to  
2 secure such bonds, subject only to operating and maintenance expenses.

3 In creating any such special fund or funds the water district  
4 commissioners of such water district shall have due regard to the cost  
5 of operation and maintenance of the plant or system as constructed or  
6 added to and to any proportion or part of the revenue previously  
7 pledged as a fund for the payment of bonds, warrants or other  
8 indebtedness, and shall not set aside into such special fund a greater  
9 amount or proportion of the revenue and proceeds than in their judgment  
10 will be available over and above such cost of maintenance and operation  
11 and the amount or proportion, if any, of the revenue so previously  
12 pledged. Any such bonds and interest thereon issued against any such  
13 fund as herein provided shall be a valid claim of the owner thereof  
14 only as against the said special fund and its fixed proportion or  
15 amount of the revenue pledged to such fund, and shall not constitute an  
16 indebtedness of such water district within the meaning of the  
17 constitutional provisions and limitations. Each such bond shall state  
18 upon its face that it is payable from a special fund, naming the said  
19 fund and the resolution creating it. Said bonds shall be sold in such  
20 manner, at such price and at such rate or rates of interest as the  
21 water district commissioners shall deem for the best interests of the  
22 water district, either at public or private sale, and the said  
23 commissioners may provide in any contract for the construction and  
24 acquirement of the proposed improvement (and for the refunding of  
25 outstanding local improvement district obligations, if any) that  
26 payment therefor shall be made in such bonds at par value thereof.

27 When any such special fund shall have been heretofore or shall be  
28 hereafter created and any such bonds shall have been heretofore or  
29 shall hereafter be issued against the same a fixed proportion or a  
30 fixed amount out of and not to exceed such fixed proportion, or a fixed

1 amount or amounts without regard to any fixed proportion, of revenue  
2 shall be set aside and paid into said special fund as provided in the  
3 resolution creating such fund or authorizing such bonds, and in case  
4 any water district shall fail thus to set aside and pay said fixed  
5 proportion or amount as aforesaid, the owner of any bond payable from  
6 such special fund may bring suit or action against the water district  
7 and compel such setting aside and payment.

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

10 (3) The water district commissioners of any water district, in the  
11 event that such water revenue bonds are issued, shall provide for  
12 revenues by fixing rates and charges for the furnishing of water supply  
13 to those receiving such service, such rates and charges to be fixed as  
14 deemed necessary by such water district commissioners, so that uniform  
15 charges will be made for the same class of customer or service.

16 In classifying customers served or service furnished by such water  
17 supply system, the board of water commissioners may in its discretion  
18 consider any or all of the following factors: The difference in cost  
19 of service to the various customers; the location of the various  
20 customers within and without the district; the difference in cost of  
21 maintenance, operation, repair and replacement of the various parts of  
22 the system; the different character of the service furnished various  
23 customers; the quantity and quality of the water furnished; the time of  
24 its use; the achievement of water conservation goals and the  
25 discouragement of wasteful practices; capital contributions made to the  
26 system including but not limited to assessments; and any other matters  
27 which present a reasonable difference as a ground for distinction.  
28 Such rates shall be made on a monthly basis as may be deemed proper by  
29 such commissioners and as fixed by resolution and shall produce  
30 revenues sufficient to take care of the costs of maintenance and

1 operation, revenue bond and warrant interest and principal amortization  
2 requirements and all other charges necessary for efficient and proper  
3 operation of the system.

4 **Sec. 18.** RCW 54.24.080 and 1959 c 218 s 9 are each amended to read  
5 as follows:

6 (1) The commission of each district which shall have revenue  
7 obligations outstanding shall have the power and shall be required to  
8 establish, maintain, and collect rates or charges for electric energy  
9 and water and other services, facilities, and commodities sold,  
10 furnished, or supplied by the district which shall be fair and  
11 nondiscriminatory and adequate to provide revenues sufficient for the  
12 payment of the principal of and interest on such revenue obligations  
13 for which the payment has not otherwise been provided and all payments  
14 which the district is obligated to set aside in any special fund or  
15 funds created for such purpose, and for the proper operation and  
16 maintenance of the public utility and all necessary repairs,  
17 replacements, and renewals thereof.

18 (2) In establishing rates or charges for water service,  
19 commissioners may in their discretion consider the achievement of water  
20 conservation goals and the discouragement of wasteful water use  
21 practices.

22 **Sec. 19.** RCW 80.28.010 and 1990 1st ex.s. c 1 s 5 are each amended  
23 to read as follows:

24 (1) All charges made, demanded or received by any gas company,  
25 electrical company or water company for gas, electricity or water, or  
26 for any service rendered or to be rendered in connection therewith,  
27 shall be just, fair, reasonable and sufficient.

1 (2) Every gas company, electrical company and water company shall  
2 furnish and supply such service, instrumentalities and facilities as  
3 shall be safe, adequate and efficient, and in all respects just and  
4 reasonable.

5 (3) All rules and regulations issued by any gas company, electrical  
6 company or water company, affecting or pertaining to the sale or  
7 distribution of its product, shall be just and reasonable.

8 (4) Until June 30, 1991:

9 (a) Utility service for residential space heating shall not be  
10 terminated between November 15 through March 15 if the customer:

11 (i) Notifies the utility of the inability to pay the bill,  
12 including a security deposit. This notice should be provided within  
13 five business days of receiving a payment overdue notice unless there  
14 are extenuating circumstances. If the customer fails to notify the  
15 utility within five business days and service is terminated, the  
16 customer can, by paying reconnection charges, if any, and fulfilling  
17 the requirements of this section, receive the protections of this  
18 chapter;

19 (ii) Provides self-certification of household income for the prior  
20 twelve months to a grantee of the department of community development  
21 which administers federally funded energy assistance programs. The  
22 grantee shall determine that the household income does not exceed the  
23 maximum allowed for eligibility under the state's plan for low-income  
24 energy assistance under 42 U.S.C. 8624 and shall provide a dollar  
25 figure that is seven percent of household income. The grantee may  
26 verify information provided in the self-certification;

27 (iii) Has applied for home heating assistance from applicable  
28 government and private sector organizations and certifies that any  
29 assistance received will be applied to the current bill and future  
30 utility bills;

1 (iv) Has applied for low-income weatherization assistance to the  
2 utility or other appropriate agency if such assistance is available for  
3 the dwelling;

4 (v) Agrees to a payment plan and agrees to maintain the payment  
5 plan. The plan will be designed both to pay the past due bill by the  
6 following October 15 and to pay for continued utility service. If the  
7 past due bill is not paid by the following October 15, the customer  
8 shall not be eligible for protections under this chapter until the past  
9 due bill is paid. The plan shall not require monthly payments in  
10 excess of seven percent of the customer's monthly income plus one-  
11 twelfth of any arrearage accrued from the date application is made and  
12 thereafter during November 15 through March 15. A customer may agree  
13 to pay a higher percentage during this period, but shall not be in  
14 default unless payment during this period is less than seven percent of  
15 monthly income plus one-twelfth of any arrearage accrued from the date  
16 application is made and thereafter. If assistance payments are  
17 received by the customer subsequent to implementation of the plan, the  
18 customer shall contact the utility to reformulate the plan; and

19 (vi) Agrees to pay the moneys owed even if he or she moves.

20 (b) The utility shall:

21 (i) Include in any notice that an account is delinquent and that  
22 service may be subject to termination, a description of the customer's  
23 duties in this section;

24 (ii) Assist the customer in fulfilling the requirements under this  
25 section;

26 (iii) Be authorized to transfer an account to a new residence when  
27 a customer who has established a plan under this section moves from one  
28 residence to another within the same utility service area;

29 (iv) Be permitted to disconnect service if the customer fails to  
30 honor the payment program. Utilities may continue to disconnect

1 service for those practices authorized by law other than for nonpayment  
2 as provided for in this subsection. Customers who qualify for payment  
3 plans under this section who default on their payment plans and are  
4 disconnected can be reconnected and maintain the protections afforded  
5 under this chapter by paying reconnection charges, if any, and by  
6 paying all amounts that would have been due and owing under the terms  
7 of the applicable payment plan, absent default, on the date on which  
8 service is reconnected; and

9 (v) Advise the customer in writing at the time it disconnects  
10 service that it will restore service if the customer contacts the  
11 utility and fulfills the other requirements of this section.

12 (c) A payment plan implemented under this section is consistent  
13 with RCW 80.28.080.

14 (5) Every gas company and electrical company shall offer  
15 residential customers the option of a budget billing or equal payment  
16 plan. The budget billing or equal payment plan shall be offered low-  
17 income customers eligible under the state's plan for low-income energy  
18 assistance prepared in accordance with 42 U.S.C. 8624(C)(1) without  
19 limiting availability to certain months of the year, without regard to  
20 the length of time the customer has occupied the premises, and without  
21 regard to whether the customer is the tenant or owner of the premises  
22 occupied.

23 (6) Every gas company, electrical company and water company shall  
24 construct and maintain such facilities in connection with the  
25 manufacture and distribution of its product as will be efficient and  
26 safe to its employees and the public.

27 (7) An agreement between the customer and the utility, whether oral  
28 or written, shall not waive the protections afforded under this  
29 chapter.



1       (8) In establishing rates or charges for water service, water  
2 companies as defined in RCW 80.04.010 may consider the achievement of  
3 water conservation goals and the discouragement of wasteful water use  
4 practices.

5       **Sec. 20.** RCW 80.28.025 and 1980 c 149 s 2 are each amended to read  
6 as follows:

7       (1) In establishing rates for each gas and electric company  
8 regulated by this chapter, the commission shall adopt policies to  
9 encourage meeting or reducing energy demand through cogeneration as  
10 defined in RCW 82.35.020, measures which improve the efficiency of  
11 energy end use, and new projects which produce or generate energy from  
12 renewable resources, such as solar energy, wind energy, hydroelectric  
13 energy, geothermal energy, wood, wood waste, municipal wastes,  
14 agricultural products and wastes, and end-use waste heat. These  
15 policies shall include but are not limited to allowing a return on  
16 investment in measures to improve the efficiency of energy end use,  
17 cogeneration, or projects which produce or generate energy from  
18 renewable resources which return is established by adding an increment  
19 of two percent to the rate of return on common equity permitted on the  
20 company's other investment. Measures or projects encouraged under this  
21 section are those for which construction or installation is begun after  
22 June 12, 1980, and before January 1, 1990, and which, at the time they  
23 are placed in the rate base, are reasonably expected to save, produce,  
24 or generate energy at a total incremental system cost per unit of  
25 energy delivered to end use which is less than or equal to the  
26 incremental system cost per unit of energy delivered to end use from  
27 similarly available conventional energy resources which utilize nuclear  
28 energy or fossil fuels and which the gas or electric company could  
29 acquire to meet energy demand in the same time period. The rate of

1 return increment shall be allowed for a period not to exceed thirty  
2 years after the measure or project is first placed in the rate base.

3 (2) In establishing rates for water companies regulated by this  
4 chapter, the commission may consider the achievement of water  
5 conservation goals and the discouragement of wasteful water use  
6 practices.

7 NEW SECTION. Sec. 21. A new section is added to chapter 90.03 RCW  
8 to read as follows:

9 The water restoration account is created in the state treasury.  
10 All receipts from the collection of penalties under RCW 90.03.600 and  
11 18.104.155 shall be deposited into the account. Moneys in the account  
12 may be spent only after appropriation. Expenditures from the account  
13 may be used only for the restoration of water and related resources  
14 damaged by violations of chapters 18.104, 43.83B, 90.03, 90.22, 90.44,  
15 and 90.54 RCW, and rules, permits, and other documents or orders issued  
16 by the department of ecology in enforcing those chapters.

17 NEW SECTION. Sec. 22. A new section is added to chapter 90.54 RCW  
18 to read as follows:

19 The water management account is created in the state treasury.  
20 Moneys in the account may be spent only after appropriation.  
21 Expenditures from the account may be used only for water resources  
22 planning and management.

23 NEW SECTION. Sec. 23. A new section is added to chapter 18.104  
24 RCW to read as follows:

25 Civil penalties collected under RCW 18.104.155 shall be deposited  
26 in the water restoration account created in section 21 of this act.

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

4        (1) "Water distribution business" shall have the meaning in RCW  
5 82.16.010(4).

6        (2) "Person" shall have the meaning in RCW 82.04.030 or any later,  
7 superseding action.

8        (3) "Department" means the department of revenue.

9        (4) "Water system operator" means any person engaged in the water  
10 distribution business.

11        (5) "Customer" means any person to whom a water system operator  
12 furnishes water for sale or hire.

13        (6) "Taxable year" shall have the meaning in RCW 82.04.020.

14        NEW SECTION.    **Sec. 25.**        There is levied and there shall be  
15 collected from every water system operator a tax for the act or  
16 privilege of providing water for sale or hire to any customer. The tax  
17 shall be equal to two dollars for each customer served by the water  
18 system operator during a taxable year.

19        NEW SECTION.    **Sec. 26.**        The tax imposed under this chapter shall  
20 be due and payable on or before the last day of the first month  
21 following the end of a taxable year or at more frequent intervals as  
22 the department may prescribe by rule.

23        NEW SECTION.    **Sec. 27.**        Taxes received by the state under this  
24 chapter shall be deposited into the water management account created in  
25 section 22 of this act and shall be used exclusively to fund grants to  
26 local governments to participate in the water resource planning and  
27 management process, including data management.

1        NEW SECTION.    **Sec. 28.**        The taxes imposed in this chapter shall  
2 not apply to any agency, division, or branch of the federal government.

3        NEW SECTION.    **Sec. 29.**        Chapter 82.32 RCW applies to the taxes  
4 imposed under this chapter.

5        NEW SECTION.    **Sec. 30.**        The department of revenue shall adopt  
6 such rules as may be necessary to enforce and administer this chapter.

7        NEW SECTION.    **Sec. 31.**        This chapter expires June 30, 1993. The  
8 expiration of this chapter shall not be construed as affecting any  
9 existing right acquired or liability or obligation incurred under any  
10 section making up a part of this chapter or under any rule or order  
11 adopted under that section, nor as affecting any proceeding instituted  
12 under that section.

13        NEW SECTION.    **Sec. 32.**        A new section is added to chapter 90.03 RCW  
14 to read as follows:

15        (1) Each person holding a water right established under this  
16 chapter or chapter 90.44 RCW and each person or successor in title  
17 claiming a right to water under chapter 90.14 RCW shall remit to the  
18 department a one-time fee of fifteen dollars for each water right owned  
19 or claimed. The purpose of this fee is to provide a source of funds  
20 for updating the pertinent information on each right or claim in the  
21 water resource information system. Any water system operator subject  
22 to taxation pursuant to section 25 of this act shall not be required to  
23 remit the fee required by this subsection.

24        (2) The department shall provide a notice to each water right  
25 holder and claimant that the fees required in this section are due and  
26 payable to the department no later than two calendar months after the

1 date such notice is mailed. The department shall send a second notice  
2 to any person who fails to remit the fee by the due date. Any fee  
3 received by the department more than two weeks after the due date shall  
4 be assessed a ten-dollar penalty plus interest from the due date. The  
5 department shall send a final notice of delinquency to any person who  
6 fails to remit the fee by one month after the due date.

7 (3) Failure to remit fees or penalties shall, in addition to  
8 penalties provided in this chapter, constitute a lien against the real  
9 property to which the water right is appurtenant, and shall be reported  
10 to the county auditor by the department, supported by proper and  
11 conclusive evidence, and collected in the manner and with the same  
12 priority over other creditors as prescribed for the collection of  
13 delinquent taxes. The final notice of delinquency shall notify the  
14 person that the failure to remit fees or penalties shall constitute a  
15 lien against the real property to which the water right is appurtenant.  
16 Water rights or claims may not be transferred unless the holder or  
17 claimant has paid the fee and any penalties in full.

18 (4) Any person receiving the notice of fees due under this section  
19 who does not wish to retain a water right or claim or who does not wish  
20 to pay the fee required under this section may elect to voluntarily  
21 relinquish the right or claim. If such right is voluntarily  
22 relinquished in writing by the owner or claimant prior to two months  
23 after the due date, no fee required by this section is payable.

24 (5) For purposes of efficient administration, the department may  
25 undertake the fee notification and payment process required by this  
26 section by geographical regions or by counties. This process shall be  
27 completed by June 30, 1993.

28 (6) The funds collected by the department under this section shall  
29 be deposited in the water management account created in section 22 of

1 this act. The account shall reimburse the general fund for any costs  
2 necessary to initiate the collection of fees required by this section.

3 NEW SECTION. **Sec. 33.** A new section is added to chapter 65.08 RCW  
4 to read as follows:

5 If a conveyance of real property is recorded pursuant to this  
6 chapter, the recording office shall notify the purchaser of the need to  
7 notify the department of ecology within thirty days of the recording of  
8 that property to which a water right established under chapter 90.03 or  
9 90.44 RCW, or to which a water right claim under chapter 90.14 RCW is  
10 appurtenant has changed ownership. The department of ecology shall  
11 require the purchaser to provide information sufficient to update the  
12 water resource information system.

13 NEW SECTION. **Sec. 34.** A new section is added to chapter 65.12 RCW  
14 to read as follows:

15 If a conveyance of real property is recorded pursuant to this  
16 chapter, the recording officer shall notify the purchaser of the need  
17 to notify the department of ecology within thirty days of the recording  
18 of that property to which a water right established under chapter 90.03  
19 or 90.44 RCW, or to which a water right claim under chapter 90.14 RCW  
20 is appurtenant has changed ownership. The department of ecology shall  
21 require the purchaser to provide information sufficient to update the  
22 water resource information system.

23 NEW SECTION. **Sec. 35.** A new section is added to chapter 90.03 RCW  
24 to read as follows:

25 Upon recording of a conveyance of real property pursuant to chapter  
26 65.08 or 65.12 RCW, the purchaser shall inform the department of the  
27 change of ownership of property to which a water right established

1 under this chapter or chapter 90.44 RCW, or to which a water right  
2 claim under chapter 90.14 RCW is appurtenant has changed ownership.  
3 The department shall require the purchaser to provide ownership  
4 sufficient to update the water resource information system.

5 NEW SECTION. **Sec. 36.** A new section is added to chapter 84.36 RCW  
6 to read as follows:

7 (1) All water-conserving irrigation equipment, both real and  
8 personal, shall be exempt from ad valorem taxation.

9 (2) The exemption shall apply only if the taxpayer provides, upon  
10 an application provided by the department of revenue and supplied by  
11 the county assessor, sufficient information for the county assessor to  
12 determine that the property for which the exemption is sought meets the  
13 requirements of this section.

14 (3) The county legislative authority may require that a reasonable  
15 one-time processing fee accompany the application.

16 (4) The county assessor shall make the necessary information,  
17 including copies of chapter ..., Laws of 1991 (this act) and  
18 accompanying rules, readily available to interested persons, and the  
19 county assessor shall render reasonable assistance upon request.

20 (5) For purposes of this exemption, the term "water-conserving  
21 irrigation equipment" means all irrigation equipment, that when put to  
22 use, results in the more efficient use of water to grow crops.

23 (6)(a) Upon removal from agricultural use of the land upon which  
24 water conservation equipment has been installed for which an exemption  
25 has been granted under this section, the owner of the equipment at the  
26 time of such removal shall remit all amounts of tax that would have  
27 been paid during the seven previous years had the equipment not been  
28 exempt from tax under this section, including applicable interest. In  
29 the case of equipment that has become affixed to the land so as to

1 become a part of the realty, the owner of the land so removed from  
2 agricultural use shall be liable for the amount of real property tax  
3 attributable to the equipment so affixed during such seven-year period.  
4 The taxes payable under this subsection shall be due and payable at the  
5 time of such removal from agricultural use and shall be considered  
6 delinquent thereafter.

7 (b) Interest shall be charged on any amount of tax becoming due by  
8 reason of removal from agricultural use at the statutory rate charged  
9 on delinquent property taxes from the dates on which such tax could  
10 have been paid without penalty if the irrigation equipment had been  
11 assessed without regard to this section.

12 (c) All amounts of tax becoming due as a result of removal from  
13 agricultural use, together with applicable interest, shall become a  
14 lien at the time of removal upon the property against which such taxes  
15 are imposed. This lien shall have priority to and shall be fully paid  
16 and satisfied before any recognizance, mortgage, judgment, debt,  
17 obligation, or responsibility to or with which such property may become  
18 chargeable.

19 (d) In the case of real property taxes becoming due as a result of  
20 removal from agricultural use, the lien may be foreclosed upon  
21 expiration of the same period after delinquency and in the same manner  
22 provided by law for foreclosure of liens for delinquent real property  
23 taxes as provided in RCW 84.64.050.

24 (e) Personal property taxes becoming due as a result of removal  
25 from agricultural use shall be subject to collection by the county  
26 treasurer in the manner as provided for the collection of delinquent  
27 personal property taxes in chapter 84.56 RCW.

28 (7) The department of revenue shall adopt such rules as are  
29 necessary for the administration of this section.



1 (8) This exemption shall be effective for taxes assessed in 1992  
2 and 1993.

3 (9) This section shall expire December 31, 1993, unless extended by  
4 the legislature.

5 NEW SECTION. **Sec. 37.** A new section is added to chapter 82.04 RCW  
6 to read as follows:

7 The tax imposed by RCW 82.04.240 shall not apply to the treatment  
8 or processing of effluent water purchased for commercial use directly  
9 from a sewage treatment facility operated by any county, city, town,  
10 political subdivision, or municipal or quasi-municipal corporation of  
11 this state. This section shall expire December 31, 1993, unless  
12 extended by the legislature.

13 NEW SECTION. **Sec. 38.** A new section is added to chapter 82.12 RCW  
14 to read as follows:

15 This chapter shall not apply with respect to the use of treated or  
16 processed effluent water purchased for commercial use directly from a  
17 sewage treatment facility operated by any county, city, town, political  
18 subdivision, or municipal or quasi-municipal corporation of this state.  
19 This section shall expire December 31, 1993, unless extended by the  
20 legislature.

21 NEW SECTION. **Sec. 39.** The sum of three million nine hundred  
22 thirty-six thousand dollars, or as much thereof as may be necessary, is  
23 appropriated for the biennium ending June 30, 1993, from the general  
24 fund to the department of ecology for the purposes of implementing a  
25 cooperative regional water resources planning and management process,  
26 specifically including (1) conservation pursuant to this act; (2) the

1 water resources forum; (3) the critical area consultation process; (4)  
2 enhanced compliance efforts; and (5) a participatory grant program.

3 NEW SECTION. **Sec. 40.** The sum of six hundred seventy-four  
4 thousand dollars, or as much thereof as may be necessary, is  
5 appropriated for the biennium ending June 30, 1993, from the general  
6 fund to the department of health for the purposes of implementing a  
7 cooperative regional water resources planning and management process,  
8 specifically including water reuse standards, model rates, and a  
9 metering program.

10 NEW SECTION. **Sec. 41.** The sum of sixty-seven thousand dollars,  
11 or as much thereof as may be necessary, is appropriated for the  
12 biennium ending June 30, 1993, from the general fund to the state  
13 building code council for the purposes of section 13 of this act.

14 NEW SECTION. **Sec. 42.** The sum of seventy-seven thousand  
15 dollars, or as much thereof as may be necessary, is appropriated for  
16 the biennium ending June 30, 1993, from the general fund to the  
17 department of agriculture.

18 NEW SECTION. **Sec. 43.** The sum of thirty-four thousand dollars,  
19 or as much thereof as may be necessary, is appropriated for the  
20 biennium ending June 30, 1993, from the general fund to the parks and  
21 recreation commission.

22 NEW SECTION. **Sec. 44.** The sum of thirty-four thousand dollars,  
23 or as much thereof as may be necessary, is appropriated for the  
24 biennium ending June 30, 1993, from the general fund to the department  
25 of wildlife.

1        NEW SECTION.    **Sec. 45.**        The sum of thirty-four thousand dollars,  
2 or as much thereof as may be necessary, is appropriated for the  
3 biennium ending June 30, 1993, from the general fund to the department  
4 of fisheries.

5        NEW SECTION.    **Sec. 46.**        If specific funding for the purposes of  
6 an appropriation in sections 39 through 45 of this act is provided by  
7 June 30, 1991, in the omnibus appropriations act, then the  
8 appropriation in this act for which specific funding is provided in the  
9 omnibus appropriations act is null and void.

10       NEW SECTION.    **Sec. 47.**        Sections 39 through 45 of this act are  
11 a one-time appropriation to implement a cooperative water resources  
12 planning and management process. By August 31, 1992, the department of  
13 ecology, based on consultation with the water resources forum, shall  
14 submit to the legislature recommendations for the long-term funding  
15 needs and revenue sources for continuing the cooperative water  
16 resources planning and management process. Such recommendations shall  
17 also include whether to continue the tax incentives contained in  
18 sections 24 through 38 of this act.

19       NEW SECTION.    **Sec. 48.**        Sections 24 through 31 of this act are  
20 necessary for the immediate preservation of the public peace, health,  
21 or safety, or support of the state government and its existing public  
22 institutions, and shall take effect July 1, 1991.

23       NEW SECTION.    **Sec. 49.**        Sections 3 through 10 of this act shall  
24 constitute a new chapter in Title 90 RCW.

1        NEW SECTION.    **Sec. 50.**        Sections 24 through 31 of this act shall  
2    constitute a new chapter in Title 82 RCW.

3        NEW SECTION.    **Sec. 51.**        If any provision of this act or its  
4    application to any person or circumstance is held invalid, the  
5    remainder of the act or the application of the provision to other  
6    persons or circumstances is not affected.