

SB 5073 - S AMD 188

By Senators Fraser, Honeyford, Hewitt, Regala, Morton

ADOPTED 03/17/2003

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** The legislature finds that throughout
4 Washington state there are many active efforts to protect, manage, and
5 restore watersheds. The state's river systems provide a variety of
6 benefits for society's many needs, so efforts to protect these
7 watersheds should reflect the diversity of social, environmental, and
8 economic factors that make the state unique.

9 Yet, there is a conflict between the natural flow of river systems
10 and the way watersheds are governed. From a hydrological standpoint,
11 a watershed is a single, integrated system. But these systems usually
12 flow through a number of cities, counties, and other municipalities as
13 they move from their source to the sea. As a result, many are subject
14 to the full range of management interests, including multiple
15 government entities with jurisdiction over water. In many cases, the
16 political boundaries of government do not align with the hydrological
17 boundaries of watersheds and may actually hinder the implementation of
18 coordinated, cooperative plans. Cooperative watershed management
19 actions by local governments, special districts, and utilities can help
20 maintain healthy watershed function and support the beneficial use of
21 water by these entities and protect the quality of the resource that
22 they use or affect. By participating in cooperative watershed
23 management actions, local governments, special districts, and utilities
24 are acting in the public interest and in a manner that is intended to
25 sustain maximum beneficial use and high quality of water over time and
26 to maintain the services that these entities provide.

27 Therefore, it is the intent of this act to remove statutory
28 barriers that may prevent local governments from working together in

1 the creation and implementation of cooperative, coordinated watershed
2 plans. In addition, it is the further intent of this act to provide
3 additional authorities to assist in such implementation.

4 NEW SECTION. **Sec. 2.** A new section is added to chapter 39.34 RCW
5 to read as follows:

6 (1) The legislative authority of a city or county and the governing
7 body of any special purpose district enumerated in subsection (2) of
8 this section may authorize up to ten percent of its water-related
9 revenues to be expended in the implementation of watershed management
10 plan projects or activities that are in addition to the county's,
11 city's, or district's existing water-related services or activities.
12 Such limitation on expenditures shall not apply to additional revenues
13 for watershed plan implementation that are authorized by voter approval
14 under section 5 of this act. Water-related revenues include rates,
15 charges, and fees for the provision of services relating to water
16 supply, treatment, distribution, and management generally, and those
17 general revenues of the local government that are expended for water
18 management purposes. A local government may not expend for this
19 purpose any revenues that were authorized by voter approval for other
20 specified purposes or that are specifically dedicated to the repayment
21 of municipal bonds or other debt instruments.

22 (2) The following special purpose districts may exercise the
23 authority provided by this section:

24 (a) Water districts, sewer districts, and water-sewer districts
25 organized under Title 57 RCW;

26 (b) Public utility districts organized under Title 54 RCW;

27 (c) Irrigation, reclamation, conservation, and similar districts
28 organized under Titles 87 and 89 RCW;

29 (d) Port districts organized under Title 53 RCW;

30 (e) Diking, drainage, and similar districts organized under Title
31 85 RCW;

32 (f) Flood control and similar districts organized under Title 86
33 RCW;

34 (g) Lake management districts organized under chapter 36.61 RCW;

35 (h) Aquifer protection areas organized under chapter 36.36 RCW; and

36 (i) Shellfish protection districts organized under chapter 90.72
37 RCW.

1 (3) The authority for expenditure of local government revenues
2 provided by this section shall be applicable broadly to the
3 implementation of watershed management plans addressing water supply,
4 water transmission, water quality treatment or protection, or any other
5 water-related purposes. Such plans include but are not limited to
6 plans developed under the following authorities:

7 (a) Watershed plans developed under chapter 90.82 RCW;

8 (b) Salmon recovery plans developed under chapter 77.85 RCW;

9 (c) Watershed management elements of comprehensive land use plans
10 developed under the growth management act, chapter 36.70A RCW;

11 (d) Watershed management elements of shoreline master programs
12 developed under the shoreline management act, chapter 90.58 RCW;

13 (e) Nonpoint pollution action plans developed under the Puget Sound
14 water quality management planning authorities of chapter 90.71 RCW and
15 chapter 400-12 WAC;

16 (f) Other comprehensive management plans addressing watershed
17 health at a WRIA level or sub-WRIA basin drainage level;

18 (g) Coordinated water system plans under chapter 70.116 RCW and
19 similar regional plans for water supply; and

20 (h) Any combination of the foregoing plans in an integrated
21 watershed management plan.

22 (4) The authority provided by this section to expend revenues for
23 watershed management plan implementation shall be construed broadly to
24 include, but not be limited to:

25 (a) The coordination and oversight of plan implementation,
26 including funding a watershed management partnership for this purpose;

27 (b) Technical support, monitoring, and data collection and
28 analysis;

29 (c) The design, development, construction, and operation of
30 projects included in the plan; and

31 (d) Conducting activities and programs included as elements in the
32 plan.

33 **Sec. 3.** RCW 39.34.020 and 1985 c 33 s 1 are each amended to read
34 as follows:

35 ~~((For the purposes of this chapter, the term))~~ Unless the context
36 clearly requires otherwise, the definitions in this section apply
37 throughout this chapter.

1 (1) "Public agency" (~~shall~~) means any agency, political
2 subdivision, or unit of local government of this state including, but
3 not limited to, municipal corporations, quasi municipal corporations,
4 special purpose districts, and local service districts; any agency of
5 the state government; any agency of the United States; any Indian tribe
6 recognized as such by the federal government; and any political
7 subdivision of another state.

8 (~~The term~~) (2) "State" (~~shall~~) means a state of the United
9 States.

10 (3) "Watershed management partnership" means an interlocal
11 cooperation agreement formed under the authority of section 4 of this
12 act.

13 (4) "WRIA" has the definition in RCW 90.82.020.

14 NEW SECTION. Sec. 4. A new section is added to chapter 39.34 RCW
15 to read as follows:

16 Any two or more public agencies may enter into agreements with one
17 another to form a watershed management partnership for the purpose of
18 implementing any portion or all elements of a watershed management
19 plan, including the coordination and oversight of plan implementation.
20 The plan may be any plan or plan element described in section 2(3) of
21 this act. The watershed partnership agreement shall include the
22 provisions required of all interlocal agreements under RCW
23 39.34.030(3). The agreement shall be filed pursuant to RCW 39.34.040
24 with the county auditor of each county lying within the geographical
25 watershed area to be addressed by the partnership. The public agencies
26 forming the partnership shall designate a treasurer for the deposit,
27 accounting, and handling of the funds of the partnership. The
28 treasurer shall be either a county treasurer or a city treasurer of a
29 county or city participating in the agreement to form the partnership.

30 NEW SECTION. Sec. 5. A new section is added to chapter 39.34 RCW
31 to read as follows:

32 The public agencies forming a watershed management partnership
33 under the authority of section 4 of this act may develop and implement
34 a plan for financing all or one or more elements of a watershed
35 management plan. These public agencies may propose raising additional
36 revenues for this purpose from one or more sources under the existing

1 revenue authorities of those public agencies financing plan
2 implementation. The agencies shall attempt as nearly as practicable to
3 develop a proposal under which the total burden will be distributed
4 equitably upon those persons within the watershed plan area who will be
5 benefited by the project, program, or activity. The revenue proposal
6 shall be submitted at a special or general election on the same day in
7 all jurisdictions in which one or more elements of the proposal are to
8 be applicable, and shall not be implemented unless the proposal
9 receives a majority vote of the votes cast within each city, county,
10 and special purpose district participating in the proposal.

11 NEW SECTION. **Sec. 6.** A new section is added to chapter 39.34 RCW
12 to read as follows:

13 Where a watershed management partnership formed under the authority
14 of section 4 of this act establishes a separate legal entity to conduct
15 the cooperating undertaking of the partnership, such legal entity is
16 authorized for the purpose of carrying out such undertaking to contract
17 indebtedness and to issue and sell general obligation bonds pursuant to
18 and in the manner provided for general county bonds in chapters 36.67
19 and 39.46 RCW and other applicable statutes, and to issue revenue bonds
20 pursuant to and in the manner provided for revenue bonds in chapter
21 36.67 RCW and other applicable statutes. The joint board established
22 by the partnership agreement shall perform the functions referenced in
23 chapter 36.67 RCW to be performed by the county legislative authority
24 in the case of county bonds.

25 NEW SECTION. **Sec. 7.** A new section is added to chapter 39.34 RCW
26 to read as follows:

27 The amendments by chapter . . ., Laws of 2003 (this act) to the
28 interlocal cooperation act authorities are intended to provide
29 additional authority to public agencies for the purposes of
30 implementing watershed management plans, and do not affect any
31 agreements among public agencies existing on the effective date of this
32 section.

33 NEW SECTION. **Sec. 8.** A new section is added to chapter 36.01 RCW
34 to read as follows:

35 A county may, acting through the county legislative authority,

1 participate in and expend revenue on cooperative watershed management
2 actions, including watershed management partnerships under section 6 of
3 this act and other intergovernmental agreements, for purposes of water
4 supply, water quality, and water resource and habitat protection and
5 management.

6 NEW SECTION. **Sec. 9.** A new section is added to chapter 36.94 RCW
7 to read as follows:

8 In addition to the authority provided in RCW 36.94.020, a county
9 may, as part of maintaining a system of sewerage and/or water,
10 participate in and expend revenue on cooperative watershed management
11 actions, including watershed management partnerships under section 6 of
12 this act and other intergovernmental agreements, for purposes of water
13 supply, water quality, and water resource and habitat protection and
14 management.

15 NEW SECTION. **Sec. 10.** A new section is added to chapter 36.89 RCW
16 to read as follows:

17 In addition to the authority provided in RCW 36.89.030, a county
18 may, as part of maintaining a system of storm water control facilities,
19 participate in and expend revenue on cooperative watershed management
20 actions, including watershed management partnerships under section 6 of
21 this act and other intergovernmental agreements, for purposes of water
22 supply, water quality, and water resource and habitat protection and
23 management.

24 **Sec. 11.** RCW 35.21.210 and 1965 c 7 s 35.21.210 are each amended
25 to read as follows:

26 Any city or town shall have power to provide for the sewerage,
27 drainage, and water supply thereof, and to establish, construct, and
28 maintain a system or systems of sewers and drains and a system or
29 systems of water supply, within or without the corporate limits of such
30 city or town, and to control, regulate, and manage the same. In
31 addition, any city or town may, as part of maintaining a system of
32 sewers and drains or a system of water supply, or independently of such
33 a system or systems, participate in and expend revenue on cooperative
34 watershed management actions, including watershed management

1 partnerships under section 6 of this act and other intergovernmental
2 agreements, for purposes of water supply, water quality, and water
3 resource and habitat protection and management.

4 NEW SECTION. **Sec. 12.** A new section is added to chapter 35.67 RCW
5 to read as follows:

6 In addition to the authority provided in RCW 35.67.020, a city may,
7 as part of maintaining a system sewerage, participate in and expend
8 revenue on cooperative watershed management actions, including
9 watershed management partnerships under section 6 of this act and other
10 intergovernmental agreements, for purposes of water supply, water
11 quality, and water resource and habitat protection and management.

12 NEW SECTION. **Sec. 13.** A new section is added to chapter 57.08 RCW
13 to read as follows:

14 In addition to the authority provided in RCW 57.08.005, a water
15 district, sewer district, or water-sewer district may participate in
16 and expend revenue on cooperative watershed management actions,
17 including watershed management partnerships under section 6 of this act
18 and other intergovernmental agreements, for purposes of water supply,
19 water quality, and water resource and habitat protection and
20 management.

21 NEW SECTION. **Sec. 14.** A new section is added to chapter 54.16 RCW
22 to read as follows:

23 In addition to the authority provided in RCW 54.16.030 relating to
24 water supply, a public utility district may participate in and expend
25 revenue on cooperative watershed management actions, including
26 watershed management partnerships under section 6 of this act and other
27 intergovernmental agreements, for purposes of water supply, water
28 quality, and water resource and habitat protection and management.

29 NEW SECTION. **Sec. 15.** A new section is added to chapter 87.03 RCW
30 to read as follows:

31 In addition to the authority provided throughout this title, an
32 irrigation district, reclamation district, and similar districts
33 organized pursuant to the authority of this title may participate in
34 and expend revenue on cooperative watershed management actions,

1 including watershed management partnerships under section 6 of this act
2 and other intergovernmental agreements, for purposes of water supply,
3 water quality, and water resource and habitat protection and
4 management.

5 NEW SECTION. **Sec. 16.** A new section is added to chapter 53.08 RCW
6 to read as follows:

7 In addition to the authority provided in this chapter, a port
8 district may participate in and expend revenue on cooperative watershed
9 management actions, including watershed management partnerships under
10 section 6 of this act and other intergovernmental agreements, for
11 purposes of water supply, water quality, and water resource and habitat
12 protection and management.

13 NEW SECTION. **Sec. 17.** A new section is added to chapter 85.38 RCW
14 to read as follows:

15 In addition to the authority provided throughout this title,
16 diking, drainage, sewerage improvement, and similar districts organized
17 pursuant to this title may participate in and expend revenue on
18 cooperative watershed management actions, including watershed
19 management partnerships under section 6 of this act and other
20 intergovernmental agreements, for purposes of water supply, water
21 quality, and water resource and habitat protection and management.

22 NEW SECTION. **Sec. 18.** A new section is added to chapter 86.09 RCW
23 to read as follows:

24 In addition to the authority provided in this chapter, flood
25 control districts may participate in and expend revenue on cooperative
26 watershed management actions, including watershed management
27 partnerships under section 6 of this act and other intergovernmental
28 agreements, for purposes of water supply, water quality, and water
29 resource and habitat protection and management.

30 NEW SECTION. **Sec. 19.** A new section is added to chapter 86.15 RCW
31 to read as follows:

32 In addition to the authority provided in this chapter, flood
33 control zone districts may participate in and expend revenue on
34 cooperative watershed management actions, including watershed

1 management partnerships under section 6 of this act and other
2 intergovernmental agreements, for purposes of water supply, water
3 quality, and water resource and habitat protection and management."

SB 5073 - S AMD 188

By Senators Fraser, Honeyford, Hewitt, Regala, Morton

ADOPTED 03/17/2003

4 On page 1, line 1 of the title, after "management;" strike the
5 remainder of the title and insert "amending RCW 39.34.020 and
6 35.21.210; adding new sections to chapter 39.34 RCW; adding a new
7 section to chapter 36.01 RCW; adding a new section to chapter 36.94
8 RCW; adding a new section to chapter 36.89 RCW; adding a new section to
9 chapter 35.67 RCW; adding a new section to chapter 57.08 RCW; adding a
10 new section to chapter 54.16 RCW; adding a new section to chapter 87.03
11 RCW; adding a new section to chapter 53.08 RCW; adding a new section to
12 chapter 85.38 RCW; adding a new section to chapter 86.09 RCW; adding a
13 new section to chapter 86.15 RCW; and creating a new section."

EFFECT: Clarifies that the 10% limit applies only to the new activities coming out of the plan, not the existing, traditional water service activities the entity has been doing all along. This limit does not apply to the new revenues that may be authorized by voter approval under section 5 of this act. Makes it explicit that in the implementation of a watershed plan the full range of water supply, transmission, treatment, and other water-related activities are intended to be included. Requires the watershed partnership to designate a treasurer for handling the partnership's funds, and that the treasurer be a county treasurer or a city treasurer.

--- END ---