
ENGROSSED SENATE BILL 5073

State of Washington 58th Legislature 2003 Regular Session

By Senators Fraser, Honeyford, Hale and Kohl-Welles

Read first time 01/14/2003. Referred to Committee on Natural Resources, Energy & Water.

1 AN ACT Relating to watershed management; amending RCW 39.34.020 and
2 35.21.210; adding new sections to chapter 39.34 RCW; adding a new
3 section to chapter 36.01 RCW; adding a new section to chapter 36.94
4 RCW; adding a new section to chapter 36.89 RCW; adding a new section to
5 chapter 35.67 RCW; adding a new section to chapter 57.08 RCW; adding a
6 new section to chapter 54.16 RCW; adding a new section to chapter 87.03
7 RCW; adding a new section to chapter 53.08 RCW; adding a new section to
8 chapter 85.38 RCW; adding a new section to chapter 86.09 RCW; adding a
9 new section to chapter 86.15 RCW; and creating a new section.

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

11 NEW SECTION. **Sec. 1.** The legislature finds that throughout
12 Washington state there are many active efforts to protect, manage, and
13 restore watersheds. The state's river systems provide a variety of
14 benefits for society's many needs, so efforts to protect these
15 watersheds should reflect the diversity of social, environmental, and
16 economic factors that make the state unique.

17 Yet, there is a conflict between the natural flow of river systems
18 and the way watersheds are governed. From a hydrological standpoint,
19 a watershed is a single, integrated system. But these systems usually

1 flow through a number of cities, counties, and other municipalities as
2 they move from their source to the sea. As a result, many are subject
3 to the full range of management interests, including multiple
4 government entities with jurisdiction over water. In many cases, the
5 political boundaries of government do not align with the hydrological
6 boundaries of watersheds and may actually hinder the implementation of
7 coordinated, cooperative plans. Cooperative watershed management
8 actions by local governments, special districts, and utilities can help
9 maintain healthy watershed function and support the beneficial use of
10 water by these entities and protect the quality of the resource that
11 they use or affect. By participating in cooperative watershed
12 management actions, local governments, special districts, and utilities
13 are acting in the public interest and in a manner that is intended to
14 sustain maximum beneficial use and high quality of water over time and
15 to maintain the services that these entities provide.

16 Therefore, it is the intent of this act to remove statutory
17 barriers that may prevent local governments from working together in
18 the creation and implementation of cooperative, coordinated watershed
19 plans. In addition, it is the further intent of this act to provide
20 additional authorities to assist in such implementation.

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

23 (1) The legislative authority of a city or county and the governing
24 body of any special purpose district enumerated in subsection (2) of
25 this section may authorize up to ten percent of its water-related
26 revenues to be expended in the implementation of watershed management
27 plan projects or activities that are in addition to the county's,
28 city's, or district's existing water-related services or activities.
29 Such limitation on expenditures shall not apply to additional revenues
30 for watershed plan implementation that are authorized by voter approval
31 under section 5 of this act. Water-related revenues include rates,
32 charges, and fees for the provision of services relating to water
33 supply, treatment, distribution, and management generally, and those
34 general revenues of the local government that are expended for water
35 management purposes. A local government may not expend for this
36 purpose any revenues that were authorized by voter approval for other

1 specified purposes or that are specifically dedicated to the repayment
2 of municipal bonds or other debt instruments.

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

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

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

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

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

11 (e) Diking, drainage, and similar districts organized under Title
12 85 RCW;

13 (f) Flood control and similar districts organized under Title 86
14 RCW;

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

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

17 (i) Shellfish protection districts organized under chapter 90.72
18 RCW.

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

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

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

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

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

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

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

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

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

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

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

8 (b) Technical support, monitoring, and data collection and
9 analysis;

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

12 (d) Conducting activities and programs included as elements in the
13 plan.

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

16 ~~((For the purposes of this chapter, the term))~~ Unless the context
17 clearly requires otherwise, the definitions in this section apply
18 throughout this chapter.

19 (1) "Public agency" ((shall)) means any agency, political
20 subdivision, or unit of local government of this state including, but
21 not limited to, municipal corporations, quasi municipal corporations,
22 special purpose districts, and local service districts; any agency of
23 the state government; any agency of the United States; any Indian tribe
24 recognized as such by the federal government; and any political
25 subdivision of another state.

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

28 (3) "Watershed management partnership" means an interlocal
29 cooperation agreement formed under the authority of section 4 of this
30 act.

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

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

34 Any two or more public agencies may enter into agreements with one
35 another to form a watershed management partnership for the purpose of
36 implementing any portion or all elements of a watershed management

1 plan, including the coordination and oversight of plan implementation.
2 The plan may be any plan or plan element described in section 2(3) of
3 this act. The watershed partnership agreement shall include the
4 provisions required of all interlocal agreements under RCW
5 39.34.030(3). The agreement shall be filed pursuant to RCW 39.34.040
6 with the county auditor of each county lying within the geographical
7 watershed area to be addressed by the partnership. The public agencies
8 forming the partnership shall designate a treasurer for the deposit,
9 accounting, and handling of the funds of the partnership. The
10 treasurer shall be either a county treasurer or a city treasurer of a
11 county or city participating in the agreement to form the partnership.

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

14 The public agencies forming a watershed management partnership
15 under the authority of section 4 of this act may develop and implement
16 a plan for financing all or one or more elements of a watershed
17 management plan. These public agencies may propose raising additional
18 revenues for this purpose from one or more sources under the existing
19 revenue authorities of those public agencies financing plan
20 implementation. The agencies shall attempt as nearly as practicable to
21 develop a proposal under which the total burden will be distributed
22 equitably upon those persons within the watershed plan area who will be
23 benefited by the project, program, or activity. The revenue proposal
24 shall be submitted at a special or general election on the same day in
25 all jurisdictions in which one or more elements of the proposal are to
26 be applicable, and shall not be implemented unless the proposal
27 receives a majority vote of the votes cast within each city, county,
28 and special purpose district participating in the proposal.

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

31 Where a watershed management partnership formed under the authority
32 of section 4 of this act establishes a separate legal entity to conduct
33 the cooperating undertaking of the partnership, such legal entity is
34 authorized for the purpose of carrying out such undertaking to contract
35 indebtedness and to issue and sell general obligation bonds pursuant to
36 and in the manner provided for general county bonds in chapters 36.67

1 and 39.46 RCW and other applicable statutes, and to issue revenue bonds
2 pursuant to and in the manner provided for revenue bonds in chapter
3 36.67 RCW and other applicable statutes. The joint board established
4 by the partnership agreement shall perform the functions referenced in
5 chapter 36.67 RCW to be performed by the county legislative authority
6 in the case of county bonds.

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

9 The amendments by chapter . . ., Laws of 2003 (this act) to the
10 interlocal cooperation act authorities are intended to provide
11 additional authority to public agencies for the purposes of
12 implementing watershed management plans, and do not affect any
13 agreements among public agencies existing on the effective date of this
14 section.

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

17 A county may, acting through the county legislative authority,
18 participate in and expend revenue on cooperative watershed management
19 actions, including watershed management partnerships under section 6 of
20 this act and other intergovernmental agreements, for purposes of water
21 supply, water quality, and water resource and habitat protection and
22 management.

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

25 In addition to the authority provided in RCW 36.94.020, a county
26 may, as part of maintaining a system of sewerage and/or water,
27 participate in and expend revenue on cooperative watershed management
28 actions, including watershed management partnerships under section 6 of
29 this act and other intergovernmental agreements, for purposes of water
30 supply, water quality, and water resource and habitat protection and
31 management.

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

34 In addition to the authority provided in RCW 36.89.030, a county

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

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

9 Any city or town shall have power to provide for the sewerage,
10 drainage, and water supply thereof, and to establish, construct, and
11 maintain a system or systems of sewers and drains and a system or
12 systems of water supply, within or without the corporate limits of such
13 city or town, and to control, regulate, and manage the same. In
14 addition, any city or town may, as part of maintaining a system of
15 sewers and drains or a system of water supply, or independently of such
16 a system or systems, participate in and expend revenue on cooperative
17 watershed management actions, including watershed management
18 partnerships under section 6 of this act and other intergovernmental
19 agreements, for purposes of water supply, water quality, and water
20 resource and habitat protection and management.

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

23 In addition to the authority provided in RCW 35.67.020, a city may,
24 as part of maintaining a system sewerage, 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. 13.** A new section is added to chapter 57.08 RCW
30 to read as follows:

31 In addition to the authority provided in RCW 57.08.005, a water
32 district, sewer district, or water-sewer district may participate in
33 and expend revenue on cooperative watershed management actions,
34 including watershed management partnerships under section 6 of this act

1 and other intergovernmental agreements, for purposes of water supply,
2 water quality, and water resource and habitat protection and
3 management.

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

6 In addition to the authority provided in RCW 54.16.030 relating to
7 water supply, a public utility district may 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. 15.** A new section is added to chapter 87.03 RCW
13 to read as follows:

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

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

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

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

32 In addition to the authority provided throughout this title,
33 diking, drainage, sewerage improvement, and similar districts organized
34 pursuant to this title may participate in and expend revenue on

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

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

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

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

15 In addition to the authority provided in this chapter, flood
16 control zone districts may participate in and expend revenue on
17 cooperative watershed management actions, including watershed
18 management partnerships under section 6 of this act and other
19 intergovernmental agreements, for purposes of water supply, water
20 quality, and water resource and habitat protection and management.

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