

CERTIFICATION OF ENROLLMENT

**ENGROSSED SENATE BILL 5073**

Chapter 327, Laws of 2003

(partial veto)

58th Legislature  
2003 Regular Session

WATERSHED MANAGEMENT

EFFECTIVE DATE: 7/27/03

Passed by the Senate April 26, 2003  
YEAS 47 NAYS 0

BRAD OWEN

\_\_\_\_\_  
**President of the Senate**

Passed by the House April 24, 2003  
YEAS 67 NAYS 30

FRANK CHOPP

\_\_\_\_\_  
**Speaker of the House of Representatives**

Approved May 16, 2003, with the  
exception of section 5, which is vetoed.

GARY LOCKE

\_\_\_\_\_  
**Governor of the State of Washington**

CERTIFICATE

I, Milton H. Doumit, Jr.,  
Secretary of the Senate of the  
State of Washington, do hereby  
certify that the attached is  
**ENGROSSED SENATE BILL 5073** as  
passed by the Senate and the House  
of Representatives on the dates  
hereon set forth.

MILTON H. DOUMIT JR.

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**Secretary**

FILED

May 16, 2003 - 3:40 p.m.

**Secretary of State  
State of Washington**

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ENGROSSED SENATE BILL 5073

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AS AMENDED BY THE HOUSE

Passed Legislature - 2003 Regular Session

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 or to water-related revenues of a public  
32 utility district organized according to Title 54 RCW. Water-related  
33 revenues include rates, charges, and fees for the provision of services  
34 relating to water supply, treatment, distribution, and management  
35 generally, and those general revenues of the local government that are  
36 expended for water management purposes. A local government may not  
37 expend for this purpose any revenues that were authorized by voter

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

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

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

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

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

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

12 (e) Diking, drainage, and similar districts organized under Title  
13 85 RCW;

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

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

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

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

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

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

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

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

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

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

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

37 (g) Coordinated water system plans under chapter 70.116 RCW and  
38 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 include provisions to ensure that persons or parcels within the***  
25 ***watershed plan area will not be taxed or assessed by more than one***  
26 ***public agency for a specific watershed management plan project,***  
27 ***program, or activity. The revenue proposal shall be submitted at a***  
28 ***special or general election on the same day in all jurisdictions in***  
29 ***which one or more elements of the proposal are to be applicable, and***  
30 ***shall not be implemented unless the proposal receives a majority vote***  
31 ***of the votes cast within each city, county, and special purpose***  
32 ***district participating in the proposal.***

***\*Sec. 5 was vetoed. See message at end of chapter.***

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

35 ***Where a watershed management partnership formed under the authority***  
36 ***of section 4 of this act establishes a separate legal entity to conduct***

1 the cooperating undertaking of the partnership, such legal entity is  
2 authorized for the purpose of carrying out such undertaking to contract  
3 indebtedness and to issue and sell general obligation bonds pursuant to  
4 and in the manner provided for general county bonds in chapters 36.67  
5 and 39.46 RCW and other applicable statutes, and to issue revenue bonds  
6 pursuant to and in the manner provided for revenue bonds in chapter  
7 36.67 RCW and other applicable statutes. The joint board established  
8 by the partnership agreement shall perform the functions referenced in  
9 chapter 36.67 RCW to be performed by the county legislative authority  
10 in the case of county bonds.

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

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

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

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

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

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

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

3            In addition to the authority provided in RCW 36.89.030, a county  
4        may, as part of maintaining a system of storm water control facilities,  
5        participate in and expend revenue on cooperative watershed management  
6        actions, including watershed management partnerships under section 6 of  
7        this act and other intergovernmental agreements, for purposes of water  
8        supply, water quality, and water resource and habitat protection and  
9        management.

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

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

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

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

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

34            In addition to the authority provided in RCW 57.08.005, a water  
35        district, sewer district, or water-sewer district may participate in



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

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

8 In addition to the authority provided in RCW 54.16.030 relating to  
9 water supply, a public utility district may participate in and expend  
10 revenue on cooperative watershed management actions, including  
11 watershed management partnerships under section 6 of this act and other  
12 intergovernmental agreements, for purposes of water supply, water  
13 quality, and water resource and habitat protection and management.

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

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

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

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

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

34 In addition to the authority provided throughout this title,

1 diking, drainage, sewerage improvement, and similar districts organized  
2 pursuant to this title may participate in and expend revenue on  
3 cooperative watershed management actions, including watershed  
4 management partnerships under section 6 of this act and other  
5 intergovernmental agreements, for purposes of water supply, water  
6 quality, and water resource and habitat protection and management.

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

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

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

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

Passed by the Senate April 26, 2003.

Passed by the House April 24, 2003.

Approved by the Governor May 16, 2003, with the exception of  
certain items that were vetoed.

Filed in Office of Secretary of State May 16, 2003.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to section 5  
Engrossed Senate Bill No. 5073 entitled:

"AN ACT Relating to watershed management;"

This bill provides a number of mechanisms that will assist local  
governments to cooperate among themselves in watershed planning  
efforts.

With the concurrence of the prime sponsor, I have vetoed section 5,  
which contains some confusing language.

With the exception of section 5, I am signing Engrossed Senate Bill  
No. 5073.

For this reason, I have vetoed section 5 of Engrossed Senate Bill No.  
5073."