

CERTIFICATION OF ENROLLMENT

ENGROSSED SENATE BILL 5603

63rd Legislature
2013 Regular Session

Passed by the Senate March 13, 2013
YEAS 40 NAYS 9

President of the Senate

Passed by the House April 16, 2013
YEAS 82 NAYS 14

Speaker of the House of Representatives

Approved

Governor of the State of Washington

CERTIFICATE

I, Hunter G. Goodman, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SENATE BILL 5603** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

ENGROSSED SENATE BILL 5603

Passed Legislature - 2013 Regular Session

State of Washington 63rd Legislature 2013 Regular Session

By Senators Hatfield, Kohl-Welles, Shin, and Ranker

Read first time 02/05/13. Referred to Committee on Energy, Environment & Telecommunications.

1 AN ACT Relating to establishing the Washington coastal marine
2 advisory council and the Washington marine resources advisory council;
3 amending RCW 43.372.070; adding new sections to chapter 43.143 RCW;
4 creating a new section; and providing an expiration date.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 43.143 RCW
7 to read as follows:

8 (1) The Washington coastal marine advisory council is established
9 in the executive office of the governor to fulfill the duties outlined
10 in section 2 of this act.

11 (2)(a) Voting members of the Washington coastal marine advisory
12 council shall be appointed by the governor or the governor's designee.
13 The council consists of the following voting members:

- 14 (i) The governor or the governor's designee;
- 15 (ii) The director or commissioner, or the director's or
16 commissioner's designee, of the following agencies:
 - 17 (A) The department of ecology;
 - 18 (B) The department of natural resources;
 - 19 (C) The department of fish and wildlife;

1 (D) The state parks and recreation commission;

2 (E) The department of commerce; and

3 (F) Washington sea grant;

4 (iii) The following members of the Washington coastal marine
5 advisory council established by the department of ecology and as
6 existing on January 15, 2013:

7 (A) One citizen from a coastal community;

8 (B) Two persons representing coastal commercial fishing;

9 (C) One representative from a coastal conservation group;

10 (D) One representative from a coastal economic development group;

11 (E) One representative from an educational institution;

12 (F) Two representatives from energy industries or organizations,
13 one of which must be from the coast;

14 (G) One person representing coastal recreation;

15 (H) One person representing coastal recreational fishing;

16 (I) One person representing coastal shellfish aquaculture;

17 (J) One representative from the coastal shipping industry;

18 (K) One representative from a science organization;

19 (L) One representative from the coastal Washington sustainable
20 salmon partnership;

21 (M) One representative from a coastal port; and

22 (N) One representative from each outer coast marine resources
23 committee, to be selected by the marine resources committee.

24 (b) The Washington coastal marine advisory council shall adopt
25 bylaws and operating procedures that may be modified from time to time
26 by the council.

27 (3) The Washington coastal marine advisory council may invite
28 state, tribal, local governments, federal agencies, scientific experts,
29 and others with responsibility for the study and management of coastal
30 and ocean resources or regulation of coastal and ocean activities to
31 designate a liaison to the council to attend council meetings, respond
32 to council requests for technical and policy information, perform
33 collaborative research, and review any draft materials prepared by the
34 council. The council may also invite representatives from other
35 coastal states or Canadian provinces to participate, when appropriate,
36 as nonvoting members.

37 (4) The chair of the Washington coastal marine advisory council
38 must be nominated and elected by a majority of councilmembers. The

1 term of the chair is one year, and the position is eligible for
2 reelection. The agenda for each meeting must be developed as a
3 collaborative process by councilmembers.

4 (5) The term of office of each member appointed by the governor is
5 four years. Members are eligible for reappointment.

6 (6) The Washington coastal marine advisory council shall utilize a
7 consensus approach to decision making. The council may put a decision
8 to a vote among councilmembers, in the event that consensus cannot be
9 reached. The council must include in its bylaws guidelines describing
10 how consensus works and when a lack of consensus among councilmembers
11 will trigger a vote.

12 (7) Consistent with available resources, the Washington coastal
13 marine advisory council may hire a neutral convener to assist in the
14 performance of the council's duties, including but not limited to the
15 dissemination of information to all parties, facilitating selected
16 tasks as requested by the councilmembers, and facilitation of setting
17 meeting agendas.

18 (8) The department of ecology shall provide administrative and
19 primary staff support for the Washington coastal marine advisory
20 council.

21 (9) The Washington coastal marine advisory council must meet at
22 least twice each year or as needed.

23 (10) A majority of the members of the Washington coastal marine
24 advisory council constitutes a quorum for the transaction of business.

25 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.143 RCW
26 to read as follows:

27 (1) The duties of the Washington coastal marine advisory council
28 established in section 1 of this act are to:

29 (a) Serve as a forum for communication concerning coastal waters
30 issues, including issues related to: Resource management; shellfish
31 aquaculture; marine and coastal hazards; ocean energy; open ocean
32 aquaculture; coastal waters research; education; and other coastal
33 marine-related issues.

34 (b) Serve as a point of contact for, and collaborate with, the
35 federal government, regional entities, and other state governments
36 regarding coastal waters issues.

1 (c) Provide a forum to discuss coastal waters resource policy,
2 planning, and management issues; provide either recommendations or
3 modifications, or both, of principles, and, when appropriate, mediate
4 disagreements.

5 (d) Serve as an interagency resource to respond to issues facing
6 coastal communities and coastal waters resources in a collaborative
7 manner.

8 (e) Identify and pursue public and private funding opportunities
9 for the programs and activities of the council and for relevant
10 programs and activities of member entities.

11 (f) Provide recommendations to the governor, the legislature, and
12 state and local agencies on specific coastal waters resource management
13 issues, including:

14 (i) Annual recommendations regarding coastal marine spatial
15 planning expenditures and projects, including uses of the marine
16 resources stewardship trust account created in RCW 43.372.070;

17 (ii) Principles and standards required for emerging new coastal
18 uses;

19 (iii) Data gaps and opportunities for scientific research
20 addressing coastal waters resource management issues;

21 (iv) Implementation of Washington's ocean action plan 2006;

22 (v) Development and implementation of coast-wide goals and
23 strategies, including marine spatial planning; and

24 (vi) A coastal perspective regarding cross-boundary coastal issues.

25 (2) In making recommendations under this section, the Washington
26 coastal marine advisory council shall consider:

27 (a) The principles and policies articulated in Washington's ocean
28 action plan; and

29 (b) The protection and preservation of existing sustainable uses
30 for current and future generations, including economic stakeholders
31 reliant on marine waters to stabilize the vitality of the coastal
32 economy.

33 **Sec. 3.** RCW 43.372.070 and 2012 c 252 s 4 are each amended to read
34 as follows:

35 (1) The marine resources stewardship trust account is created in
36 the state treasury. All receipts from income derived from the
37 investment of amounts credited to the account, any grants, gifts, or

1 donations to the state for the purposes of marine management planning,
2 marine spatial planning, data compilation, research, or monitoring, and
3 any appropriations made to the account must be deposited in the
4 account. Moneys in the account may be spent only after appropriation.

5 (2) Expenditures from the account may only be used for the purposes
6 of marine management planning, marine spatial planning, research,
7 monitoring, and implementation of the marine management plan.

8 (3) Until July 1, 2016, expenditures from the account may only be
9 used for the purposes of:

10 (a) Conducting ecosystem assessment and mapping activities in
11 marine waters consistent with RCW 43.372.040(6) (a) and (c), with a
12 focus on assessment and mapping activities related to marine resource
13 uses and developing potential economic opportunities;

14 (b) Developing a marine management plan for the state's coastal
15 waters as that term is defined in RCW 43.143.020; and

16 (c) Coordination under the west coast governors' agreement on ocean
17 health, entered into on September 18, 2006, and other regional planning
18 efforts consistent with RCW 43.372.030.

19 (4) Expenditures from the account on projects and activities
20 relating to the state's coastal waters, as defined in RCW 43.143.020,
21 must be made, to the maximum extent possible, consistent with the
22 recommendations of the Washington coastal marine advisory council as
23 provided in section 2 of this act. If expenditures relating to coastal
24 waters are made in a manner that differs substantially from the
25 Washington coastal marine advisory council's recommendations, the
26 responsible agency receiving the appropriation shall provide the
27 council and appropriate committees of the legislature with a written
28 explanation.

29 NEW SECTION. Sec. 4. (1) The Washington marine resources advisory
30 council is created within the office of the governor.

31 (2) The Washington marine resources advisory council is composed
32 of:

33 (a) The governor, or the governor's designee, who shall serve as
34 the chair of the council;

35 (b) The commissioner of public lands, or the commissioner's
36 designee;

1 (c) Two members of the senate, appointed by the president of the
2 senate, one from each of the two largest caucuses in the senate;

3 (d) Two members of the house of representatives, appointed by the
4 speaker of the house of representatives, one from each of the two
5 largest caucuses in the house of representatives;

6 (e) One representative of federally recognized Indian tribes with
7 reservations lying within or partially within counties bordering the
8 outer coast, if selected by action of all of the governing bodies of
9 all federally recognized Indian tribes in such an area;

10 (f) One representative of federally recognized Indian tribes with
11 reservations lying within or partially within counties bordering Puget
12 Sound, if selected by action of all of the governing bodies of all
13 federally recognized Indian tribes in such an area;

14 (g) One representative of each of the following sectors, appointed
15 by the governor:

16 (i) Commercial fishing;

17 (ii) Recreational fishing;

18 (iii) Marine recreation and tourism, other than fishing;

19 (iv) Coastal shellfish growers;

20 (v) Puget Sound shellfish growers;

21 (vi) Marine businesses; and

22 (vii) Conservation organizations;

23 (h) The chair of the Washington state conservation commission, or
24 the chair's designee;

25 (i) One representative appointed by the largest statewide general
26 agricultural association;

27 (j) One representative appointed by the largest statewide business
28 association;

29 (k) The chair of the Washington coastal marine advisory council;

30 (l) The chair of the leadership council of the Puget Sound
31 partnership;

32 (m) The director of the department of ecology;

33 (n) The director of the department of fish and wildlife; and

34 (o) The chair of the Northwest Straits commission.

35 (3) The governor shall invite the participation of the following
36 entities as nonvoting members:

37 (a) The national oceanic and atmospheric administration; and

1 (b) Academic institutions conducting scientific research on ocean
2 acidification.

3 (4) The governor shall make the appointments of the members under
4 subsection (2)(g) of this section by September 1, 2013.

5 (5) Any member appointed by the governor may be removed by the
6 governor for cause.

7 (6) A majority of the voting members of the Washington marine
8 resources advisory council constitute a quorum for the transaction of
9 business.

10 (7) The chair of the Washington marine resources advisory council
11 shall schedule meetings and establish the agenda. The first meeting of
12 the council must be scheduled by November 1, 2013. The council shall
13 meet at least twice per calendar year. At each meeting the council
14 shall afford an opportunity to the public to comment upon agenda items
15 and other matters relating to the protection and conservation of the
16 state's ocean resources.

17 (8) The Washington marine resources advisory council shall have the
18 following powers and duties:

19 (a) To maintain a sustainable coordinated focus, including the
20 involvement of and the collaboration among all levels of government and
21 nongovernmental entities, the private sector, and citizens by
22 increasing the state's ability to work to address impacts of ocean
23 acidification;

24 (b) To advise and work with the University of Washington and others
25 to conduct ongoing technical analysis on the effects and sources of
26 ocean acidification. The recommendations must identify a range of
27 actions necessary to implement the recommendations and take into
28 consideration the differences between instate impacts and sources and
29 out-of-state impacts and sources;

30 (c) To deliver recommendations to the governor and appropriate
31 committees in the Washington state senate and house of representatives
32 that must include, as necessary, any minority reports requested by a
33 councilmember;

34 (d) To seek public and private funding resources necessary, and the
35 commitment of other resources, for ongoing technical analysis to
36 support the council's recommendations; and

37 (e) To assist in conducting public education activities regarding

1 the impacts of and contributions to ocean acidification and regarding
2 implementation strategies to support the actions adopted by the
3 legislature.

4 (9) This section expires June 30, 2017.

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