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**ENGROSSED SENATE BILL 5194**

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**State of Washington**

**54th Legislature**

**1995 Regular Session**

**By** Senators Fraser, Winsley, Kohl, Sheldon, Snyder, Franklin, Gaspard, Heavey, C. Anderson and Haugen; by request of Governor Lowry

Read first time 01/13/95. Referred to Committee on Ecology & Parks.

1       AN ACT Relating to the reauthorization of the Puget Sound water  
2 quality authority; amending RCW 90.70.011, 90.70.025, 90.70.055,  
3 90.70.065, 90.70.902, 43.131.369, and 43.131.370; repealing RCW  
4 90.70.035 and 90.70.045; providing an effective date; and declaring an  
5 emergency.

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

7       **Sec. 1.** RCW 90.70.011 and 1990 c 115 s 2 are each amended to read  
8 as follows:

9       (1) There is established the Puget Sound water quality authority  
10 composed of eleven members. Nine members shall be appointed by the  
11 governor and confirmed by the senate. In addition, the commissioner of  
12 public lands or the commissioner's designee and the director of ecology  
13 or the director's designee shall serve as ex officio members. Three of  
14 the members shall include a representative from the counties, a  
15 representative from the cities, and a tribal representative. The  
16 director of ecology shall be chair of the authority. In making these  
17 appointments, the governor shall seek to include representation of the  
18 variety of interested parties concerned about Puget Sound water  
19 quality. (~~Of the appointed members, at least one shall be selected~~

1 ~~from each of the six congressional districts surrounding Puget Sound.))~~  
2 Appointments to the authority shall reflect geographical balance and  
3 the diversity of population within the Puget Sound basin. Members  
4 shall serve four-year terms. Of the initial members appointed to the  
5 authority, two shall serve for two years, two shall serve for three  
6 years, and two shall serve for four years. Thereafter members shall be  
7 appointed to four-year terms. Members representing cities, counties,  
8 and the tribes shall also serve four-year staggered terms, as  
9 determined by the governor. Vacancies shall be filled by appointment  
10 for the remainder of the unexpired term of the position being vacated.  
11 ~~((The executive director of the authority shall be selected by the~~  
12 ~~governor and shall serve at the pleasure of the governor. The~~  
13 ~~executive director shall not be a member of the authority.~~

14 ~~(2))~~ Members shall be compensated as provided in RCW 43.03.250.  
15 Members shall be reimbursed for travel expenses as provided in RCW  
16 43.03.050 and 43.03.060.

17 (2) The executive director of the authority shall be selected by  
18 the governor and shall serve at the pleasure of the governor. The  
19 executive director shall not be a member of the authority.

20 (3) The executive director of the authority shall be a full-time  
21 employee responsible for the administration of all functions of the  
22 authority, including hiring and terminating staff, budget preparation,  
23 contracting, coordinating with the governor, the legislature, and other  
24 state and local entities, and the delegation of responsibilities as  
25 deemed appropriate. The salary of the executive director shall be  
26 fixed by the governor, subject to RCW 43.03.040.

27 ~~(4) ((The authority shall prepare a budget and a work plan.~~

28 ~~(5))~~ Not more than four employees of the authority may be exempt  
29 from the provisions of chapter 41.06 RCW.

30 ~~((6))~~ (5) The executive director and staff of the authority shall  
31 be located in the Olympia area(~~(, as space becomes available)~~). The  
32 department of general administration shall house the authority within  
33 the department of ecology.

34 **Sec. 2.** RCW 90.70.025 and 1985 c 451 s 5 are each amended to read  
35 as follows:

36 In order to carry out its responsibilities under this chapter, the  
37 authority may:

1       (1) (~~Develop interim proposals and recommendations, before the~~  
2 ~~plan is adopted, concerning the elements identified in RCW 90.70.060;~~  
3       ~~(2)~~) Enter into, amend, and terminate contracts with individuals,  
4 corporations, or research institutions for the purposes of this  
5 chapter;  
6       (~~(3)~~) (2) Receive such gifts, grants, and endowments, in trust or  
7 otherwise, for the use and benefit of the purposes of the authority.  
8 The authority may expend the same or any income therefrom according to  
9 the terms of the gifts, grants, or endowments;  
10       (~~(4)~~) (3) Conduct studies and research relating to Puget Sound  
11 water quality;  
12       (~~(5)~~) (4) Obtain information relating to Puget Sound from other  
13 state and local agencies;  
14       (~~(6)~~) (5) Conduct appropriate public hearings and otherwise seek  
15 to broadly disseminate information concerning Puget Sound;  
16       (~~(7)~~) (6) Receive and expend funding from other public agencies;  
17       (7) Establish priorities for funding the implementation of the  
18 plan;  
19       (8) (~~Prepare a biennial budget request for consideration by the~~  
20 ~~governor and the legislature; and~~  
21       ~~(9)~~) Adopt rules under chapter 34.05 RCW as it deems necessary for  
22 the purposes of this chapter.

23       **Sec. 3.** RCW 90.70.055 and 1990 c 115 s 4 are each amended to read  
24 as follows:

25       The authority shall:

26       (1) Prepare (~~and~~), adopt, and revise a comprehensive Puget Sound  
27 water quality management plan and a strategy for implementing the plan,  
28 as defined in RCW 90.70.060. In preparing the plan and any substantial  
29 revisions to the plan, the authority shall consult with its advisory  
30 (~~committee or~~) committees (~~and~~); appropriate federal, state, and  
31 local agencies; tribal governments; and private interests. The  
32 authority shall also solicit extensive participation by the public by  
33 whatever means it finds appropriate, including public hearings  
34 throughout communities bordering or near Puget Sound, dissemination of  
35 information through the news media, public notices, and mailing lists,  
36 and the organization of workshops, conferences, and seminars;

1       (2) (~~During the plan's initial development and any subsequent~~  
2 ~~revisions, submit annual progress reports on plan revisions and~~  
3 ~~implementation to the governor and the legislature.~~

4       (3) ~~Submit the plan to the governor and the legislature no later~~  
5 ~~than January 1, 1987. The authority shall~~) Review the plan at least  
6 every ((four)) six years and revise the plan, as deemed appropriate((7  
7 and shall submit the plan by July 1, 1994)). A revised plan shall be  
8 submitted to the governor and the legislature by July 1, 2000, and  
9 every ((four)) six years thereafter;

10       (~~(4))~~) (3) Prepare a biennial "state of the Sound" report and  
11 submit such report to the governor, the legislature, and the state  
12 agencies and local governments identified in the plan. Copies of the  
13 report shall be made available to the public. The report shall  
14 describe the current condition of water quality and related resources  
15 in Puget Sound and ((shall)) include an assessment of the extent to  
16 which implementation of the plan has occurred and resulted in progress  
17 toward improving and protecting water quality in Puget Sound. The  
18 assessment shall be based upon an evaluation of performance measures  
19 required by subsection (5) of this section. The report may also  
20 include, but not be limited to:

21       (a) The status and condition of the resources of Puget Sound,  
22 including the results of ecological monitoring, including an assessment  
23 of the economic value of Puget Sound;

24       (b) Current and foreseeable trends in water quality of Puget Sound  
25 and the management of its resources;

26       (c) Review of significant public and private activities affecting  
27 Puget Sound and an assessment of whether such activities are consistent  
28 with the plan; and

29       (d) Recommendations to the governor, the legislature, and  
30 appropriate state and local agencies for actions needed to remedy any  
31 deficiencies in current policies, plans, programs, or activities  
32 relating to the water quality of Puget Sound, and recommendations  
33 concerning changes necessary to protect and improve Puget Sound water  
34 quality; (~~and~~

35       (5)) (4) Review the ((Puget Sound related budgets and regulatory  
36 and enforcement activities)) status of plan implementation efforts of  
37 state agencies with responsibilities for water quality and related  
38 resources in Puget Sound;

1       (5) In consultation with state agencies, develop and track  
2 quantifiable performance measures that can be used by the governor and  
3 the legislature to assess the effectiveness over time of programs and  
4 actions initiated under the plan to improve and protect Puget Sound  
5 water quality and biological resources. The performance measures shall  
6 be developed by June 30, 1996. State agencies shall assist the  
7 authority in the development and tracking of these performance  
8 measures. The performance measures may be limited to selected  
9 geographic areas;

10       (6) Emphasize plan implementation by providing state and local  
11 agencies with direct technical assistance, research, education,  
12 coordination, and other services that are necessary to implement the  
13 plan in a timely and efficient manner;

14       (7) Appoint ad hoc advisory committees as necessary to facilitate  
15 plan revision, plan implementation, coordination of the ambient  
16 monitoring program, and the conduct of other duties under this chapter;  
17 and

18       (8) To reduce costs and improve efficiency, review by December 1,  
19 1995, all requirements for reports and documentation from state  
20 agencies and local governments specified in the plan and in this  
21 chapter. Based on this review, the authority shall, if appropriate,  
22 eliminate and consolidate reports, modify reporting schedules to  
23 correspond to publication of the state of the Sound report, and modify  
24 reporting requirements to support evaluation of performance measures  
25 required by subsection (5) of this section.

26       **Sec. 4.** RCW 90.70.065 and 1994 c 264 s 98 are each amended to read  
27 as follows:

28       (1) In addition to other powers and duties specified in this  
29 chapter, the authority shall ensure implementation and coordination of  
30 the Puget Sound ambient monitoring program established in the plan  
31 under RCW 90.70.060(12). The program shall:

32       (a) Develop a baseline and examine differences among areas of Puget  
33 Sound, for environmental conditions, natural resources, and  
34 contaminants in (~~seafood~~) sediments and marine life, against which  
35 future changes can be measured;

36       (b) Take measurements relating to specific program elements  
37 identified in the plan;

1 (c) Measure the progress of the ambient monitoring programs  
2 implemented under the plan;

3 (d) Provide a permanent record of significant natural and human-  
4 caused changes in key environmental indicators in Puget Sound; and

5 (e) Help support research on Puget Sound.

6 (2) ~~((To ensure proper coordination of the ambient monitoring  
7 program, the authority may establish an interagency coordinating  
8 committee consisting of representatives from the departments of  
9 ecology, fish and wildlife, natural resources, and health, and such  
10 federal, local, tribal, and other organizations as are necessary to  
11 implement the program.~~

12 (3)) Each state agency with responsibilities for implementing the  
13 Puget Sound ambient monitoring program(~~(, as specified in the plan,)~~)  
14 shall participate in the program, as specified in the plan.

15 **Sec. 5.** RCW 90.70.902 and 1990 c 115 s 13 are each amended to read  
16 as follows:

17 Nothing in RCW 43.131.370 shall affect the implementation and  
18 requirements of the Puget Sound water quality management plan existing  
19 on June 30, ~~((1995))~~ 2000, or such other effective date of repeal of  
20 the laws referenced in RCW 43.131.370. The implementation of the plan  
21 on and after that date shall be the responsibility of such entities as  
22 are provided by the legislature.

23 **Sec. 6.** RCW 43.131.369 and 1990 c 115 s 11 are each amended to  
24 read as follows:

25 The Puget Sound water quality authority and its powers and duties  
26 shall be terminated on June 30, ~~((1995))~~ 2002, as provided in RCW  
27 43.131.370.

28 **Sec. 7.** RCW 43.131.370 and 1990 c 115 s 12 are each amended to  
29 read as follows:

30 The following acts or parts of acts, as now existing or hereafter  
31 amended, are each repealed, effective June 30, ~~((1996))~~ 2003:

32 (1) Section 1, chapter 451, Laws of 1985 and RCW 90.70.001;

33 (2) Section 2, chapter 451, Laws of 1985 and RCW 90.70.005;

34 (3) Section 3, chapter 451, Laws of 1985, section 2, chapter 115,  
35 Laws of 1990 and RCW 90.70.011;

36 (4) Section 5, chapter 451, Laws of 1985 and RCW 90.70.025;

- 1 (5) Section 6, chapter 451, Laws of 1985 and RCW 90.70.035;  
2 (6) Section 7, chapter 451, Laws of 1985, section 72, chapter 36,  
3 Laws of 1988, section 3, chapter 115, Laws of 1990 and RCW 90.70.045;  
4 (7) Section 4, chapter 451, Laws of 1985, section 4, chapter 115,  
5 Laws of 1990 and RCW 90.70.055;  
6 (8) Section 8, chapter 451, Laws of 1985, section 31, chapter 11,  
7 Laws of 1989, section 5, chapter 115, Laws of 1990 and RCW 90.70.060;  
8 (9) Section 9, chapter 451, Laws of 1985, section 6, chapter 115,  
9 Laws of 1990 and RCW 90.70.070;  
10 (10) Section 10, chapter 451, Laws of 1985, section 7, chapter 115,  
11 Laws of 1990 and RCW 90.70.080; and  
12 (11) Section 14, chapter 451, Laws of 1985 and RCW 90.70.901.

13 NEW SECTION. **Sec. 8.** The following acts or parts of acts are each  
14 repealed:

- 15 (1) RCW 90.70.035 and 1985 c 451 s 6; and  
16 (2) RCW 90.70.045 and 1994 c 264 s 97, 1990 c 115 s 3, 1988 c 36 s  
17 72, & 1985 c 451 s 7.

18 NEW SECTION. **Sec. 9.** This act is necessary for the immediate  
19 preservation of the public peace, health, or safety, or support of the  
20 state government and its existing public institutions, and shall take  
21 effect June 30, 1995.

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