
SENATE BILL 6036

State of Washington 52nd Legislature 1992 Regular Session

By Senators Metcalf, Rasmussen, L. Smith and Oke

Read first time 01/13/92. Referred to Committee on Environment & Natural Resources.

1 AN ACT Relating to environmental strategies; adding a new chapter
2 to Title 43 RCW; creating a new section; making an appropriation; and
3 providing an expiration date.

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

5 NEW SECTION. **Sec. 1.** COMMISSION ON ENVIRONMENTAL STRATEGIES
6 CREATED. (1) There is created a temporary commission to be known as
7 the commission on environmental strategies.

8 (2) The commission shall consist of twelve members as follows:

9 (a) Four members appointed by the governor as representatives of
10 business and industry, agriculture, local government, and environmental
11 organizations;

12 (b) Four members appointed jointly by the president of the senate
13 and the speaker of the house of representatives as representatives of

1 business and industry, agriculture, local government, and environmental
2 organizations; and

3 (c) One representative from each of the four legislative caucuses
4 to be appointed by the president of the senate and the speaker of the
5 house of representatives.

6 (3) The chair and vice-chair shall be selected by the commission at
7 its first meeting, which shall be called by the governor within sixty
8 days of the effective date of this act.

9 (4) The directors of the office of financial management and the
10 department of ecology or their designee shall serve as nonvoting
11 members of the commission. A representative of the United States
12 environmental protection agency shall also be invited to serve on the
13 commission as a nonvoting member.

14 (5) Whenever the commission considers the subject of the
15 relationship and integration of the state's environmental and growth
16 management programs, the director of the department of community
17 development shall participate on the commission as a nonvoting member.
18 Whenever the commission considers subjects relating to drinking water
19 quality or quantity the secretary of the department of health shall
20 participate on the commission as a nonvoting member.

21 (6) The commission may create such subcommittees and advisory
22 bodies for technical, fiscal, or other expertise as will facilitate the
23 commission's performance of its duties.

24 NEW SECTION. **Sec. 2.** COMMISSION DUTIES. The commission shall
25 develop recommendations for legislative and executive consideration and
26 implementation that will:

27 (1) Increase the reliance upon environmental strategies that
28 emphasize market incentives, pollution prevention, public education,
29 and technical assistance;

1 (2) Reduce inefficiency, duplication, and inconsistency in program
2 implementation by local, state, and federal agencies;

3 (3) Integrate the state's environmental and growth management
4 programs into a comprehensive strategy with mutually reinforcing goals
5 and objectives;

6 (4) Ensure that the relative priority of environmental threats to
7 the state is a central consideration in the development of state
8 operating and capital budgets for environmental programs;

9 (5) Achieve a uniform, consistent, and high-quality assessment of
10 the state's environmental quality and management of the data relating
11 to environmental quality, and establish a system to assess state-wide
12 environmental trends over time to assist in developing policies and
13 budgets; and

14 (6) Reduce or eliminate environmental programs or activities that
15 do not provide a substantial contribution to maintaining the state's
16 environmental quality.

17 NEW SECTION. **Sec. 3.** RELIANCE UPON ALTERNATIVE ENVIRONMENTAL
18 STRATEGIES. (1) In conducting its duties relating to increasing
19 reliance upon alternative environmental strategies, the commission
20 shall review existing environmental programs in the state of
21 Washington, to assess their capability to address the environmental
22 threats anticipated in the state over the next twenty years as
23 identified in existing reports such as the environment 2010 report.
24 The commission shall further review and make specific recommendations
25 for legislative and administrative action to implement alternative
26 methods to achieve comparable or greater environmental protection in a
27 cost-efficient manner, considering both public and private costs.
28 Examples which the commission may consider include, but are not limited
29 to:

1 (a) Market incentives, such as marketable permits or auctions of
2 emission allowances;

3 (b) Consolidated permits that integrate two or more existing permit
4 requirements for a single land use or activity;

5 (c) Expansion of bubble and offset policies where allowed in
6 existing programs, and extension of such policies to other programs;

7 (d) Pollution prevention programs;

8 (e) Increased public and consumer education to achieve voluntary
9 actions where cumulative impacts of numerous activities make
10 traditional regulatory methods not practical;

11 (f) Reduced permit requirements for closed-loop industrial
12 processes;

13 (g) Greater reliance upon technical assistance to regulated
14 entities to achieve compliance with reduced reliance upon enforcement.

15 (2) The commission may recommend that one or more pilot projects be
16 implemented as a result of its review under this section. Where the
17 commission determines that a pilot project may be implemented without
18 further legislative action and within existing budgetary resources, the
19 commission shall direct its recommendations to the director of the
20 state agency with jurisdiction over the subject of the project. Within
21 ninety days of the receipt of the commission's recommendations, the
22 director shall either develop a workplan for implementing the project,
23 or decline the recommendations on the basis of lack of legislative
24 authority or budgetary resources. A statement detailing the basis for
25 declining the recommendations shall be provided to the commission by
26 the director.

27 (3) In conducting its review under this section the commission
28 shall identify obstacles to implementing recommended alternative
29 environmental strategies due to federal law constraints, and shall make

1 recommendations on methods to obtain necessary federal approvals to
2 remove the obstacles.

3 NEW SECTION. **Sec. 4.** BUDGETS AND FUNDING FOR ENVIRONMENTAL
4 PROGRAMS. (1) The commission shall review the relative risk of those
5 environmental threats addressed by existing state programs, and compare
6 this risk with the relative levels of fiscal resources committed in the
7 operating and capital budgets of the programs. In determining the
8 relative risk the commission may rely upon existing reports such as
9 those prepared under the environment 2010 project and other reports
10 prepared by the department of ecology and the United States
11 environmental protection agency. The commission shall make
12 recommendations on existing and future budgetary levels to achieve
13 greater total risk reduction when considering all environmental threats
14 addressed by state programs.

15 (2) The commission shall also review and make recommendations
16 for changes in budget development procedures within state agencies and
17 the office of financial management to achieve greater consistency of
18 budgetary levels with the relative risk from environmental threats.
19 For this purpose the commission shall review the restrictions within
20 existing dedicated fund sources for environmental programs and make
21 recommendations for changes to such funds for greater flexibility to
22 address the most significant environmental threats.

23 (3) The commission shall analyze proposals for environmental trust
24 funds and make recommendations regarding the creation of such a fund or
25 funds for the purpose of providing comprehensive mechanisms to better
26 address environmental threats as they change over time.

27 NEW SECTION. **Sec. 5.** REVIEW OF FEDERALLY DELEGATED PROGRAMS. The
28 commission shall review those environmental programs administered by

1 the state of Washington under delegation from the federal government
2 and make recommendations regarding whether state administration of any
3 program or portion of a program should be terminated. In conducting
4 its review the commission shall consider both fiscal and program
5 efficiencies as well as the impact upon persons regulated by the
6 program. The commission shall also consider the degree to which the
7 federal government duplicates state enforcement and administration, and
8 the extent of federal financial assistance to the state for program
9 administration.

10 NEW SECTION. **Sec. 6.** SUNSET OF ENVIRONMENTAL PROGRAMS. (1) The
11 commission shall review and make recommendations to the legislature on
12 the sunset of environmental programs which duplicate other programs or
13 which address relatively insignificant environmental threats.

14 (2) On or before December 1, 1994, the commission shall make
15 recommendations on whether those programs subject to termination by
16 sections 7, 8, and 9 of this act should be extended or extended with
17 modifications.

18 NEW SECTION. **Sec. 7.** ECOLOGICAL COMMISSION TERMINATED. (1) The
19 ecological commission and its powers and duties are terminated on June
20 30, 1995.

21 (2) The following acts or parts of acts, as now existing or
22 hereafter amended, are each repealed, effective June 30, 1995:

23 (a) RCW 43.21A.170 and 1989 1st ex.s c. 9 s 217, 1988 c 36 s 15,
24 1985 c 466 s 50, 1979 c 141 s 68, & 1970 ex.s. c 62 s 17;

25 (b) RCW 43.21A.180 and 1984 c 287 s 76, 1975-'76 2nd ex.s. c 34 s
26 100, & 1970 ex.s. c 62 s 18;

27 (c) RCW 43.21A.190 and 1988 c 127 s 24 & 1970 ex.s. c 62 s 19;

28 (d) RCW 43.21A.200 and 1977 c 75 s 47 & 1970 ex.s. c 62 s 20; and

1 (e) RCW 43.21A.210 and 1970 ex.s. c 62 s 21.

2 NEW SECTION. **Sec. 8.** LITTER PROGRAM TERMINATED. (1) Those
3 portions of the state's litter control program as are specified in
4 subsection (2) of this section are terminated on June 30, 1995.

5 (2) The following acts or parts of acts, as now existing or
6 hereafter amended, are each repealed, effective June 30, 1995:

7 (a) RCW 70.93.020 and 1991 c 319 s 101, 1979 c 94 s 2, 1975-'76 2nd
8 ex.s. c 41 s 7, & 1971 ex.s. c 307 s 2;

9 (b) RCW 70.93.050 and 1980 c 78 s 132, 1979 c 94 s 4, & 1971 ex.s.
10 307 s 5;

11 (c) RCW 70.93.090 and 1979 c 94 s 5 & 1971 ex.s. c 307 s 9;

12 (d) RCW 70.93.100 and 1981 c 260 s 15;

13 (e) RCW 70.93.194 and 1979 c 94 s 9;

14 (f) RCW 70.93.200 and 1979 c 94 s 7 & 1971 ex.s. c 307 s 20;

15 (g) RCW 70.93.210 and 1979 c 94 s 8 & 1971 ex.s. c 307 s 21; and

16 (h) RCW 70.93.230 and 1983 c 277 s 4 & 1971 ex.s. c 307 s 23.

17 NEW SECTION. **Sec. 9.** ENVIRONMENTAL COORDINATION PROCEDURES ACT
18 TERMINATED. (1) The provisions of the environmental coordination
19 procedures act as specified in subsection (3) of this section are
20 terminated on June 30, 1995.

21 (2) The commission in its report required by section 6 of this act
22 shall make recommendations for adoption by the legislature of a program
23 to actually coordinate and consolidate environmental permits,
24 consistent with the original intent of the environmental coordination
25 procedures act.

26 (3) The following acts or parts of acts, as now existing or
27 hereafter amended, are each repealed, effective June 30, 1995:

- 1 (a) RCW 90.62.010 and 1982 c 179 s 1, 1977 c 54 s 1, & 1973 1st
2 ex.s. c 185 s 1;
- 3 (b) RCW 90.62.020 and 1988 c 36 s 71, 1977 c 54 s 2, & 1973 1st ex
4 s. c 185 s 2;
- 5 (c) RCW 90.62.030 and 1973 1st ex.s. c 185 s 3;
- 6 (d) RCW 90.62.040 and 1990 c 137 s 1, 1977 c 54 s 3, & 1973 1st
7 ex.s. c 185 s 4;
- 8 (e) RCW 90.62.050 and 1977 c 54 s 4 & 1973 1st ex.s. c 185 s 5;
- 9 (f) RCW 90.62.060 and 1982 c 179 s 2, 1977 c 54 s 5, & 1973 1st
10 ex.s. c 185 s 6;
- 11 (g) RCW 90.62.070 and 1973 1st ex.s. c 185 s 7;
- 12 (h) RCW 90.62.080 and 1987 c 109 s 156, 1977 c 54 s 6, & 1973 1st
13 ex.s. c 185 s 8;
- 14 (i) RCW 90.62.090 and 1977 c 54 s 7 & 1973 1st ex.s. c 185 s 9;
- 15 (j) RCW 90.62.100 and 1977 c 54 s 8 & 1973 1st ex.s. c 185 s 10;
- 16 (k) RCW 90.62.110 and 1973 1st ex.s. c 185 s 11;
- 17 (l) RCW 90.62.120 and 1973 1st ex.s. c 185 s 12;
- 18 (m) RCW 90.62.130 and 1977 c 54 s 9;
- 19 (n) RCW 90.62.900 and 1973 1st ex.s. c 185 s 13;
- 20 (o) RCW 90.62.901 and 1973 1st ex.s. c 185 s 14;
- 21 (p) RCW 90.62.904 and 1973 1st ex.s. c 185 s 15;
- 22 (q) RCW 90.62.905 and 1973 1st ex.s. c 185 s 16;
- 23 (r) RCW 90.62.906 and 1973 1st ex.s. c 185 s 18;
- 24 (s) RCW 90.62.907 and 1973 1st ex.s. c 185 s 19; and
- 25 (t) RCW 90.62.908 and 1977 c 54 s 10.

26 NEW SECTION. **Sec. 10.** INTEGRATION OF ENVIRONMENTAL QUALITY AND
27 GROWTH MANAGEMENT PROGRAMS. (1) The commission shall review the
28 state's environmental quality and growth management programs and make
29 recommendations to integrate the programs to achieve mutually

1 reinforcing goals and objectives and to reduce overlapping and
2 inconsistent requirements for land uses and other activities subject to
3 both. The commission shall identify opportunities for combining
4 programs which regulate similar uses to achieve similar growth
5 management and environmental protection objectives.

6 (2) As part of the review required by this section the commission
7 shall make specific recommendations to integrate the requirements of
8 the shoreline management act under chapter 90.58 RCW and the growth
9 management act, chapter 36.70A RCW, into a single program applicable
10 within shoreline areas for those jurisdictions preparing comprehensive
11 plans under chapter 36.70A RCW.

12 NEW SECTION. **Sec. 11.** ENVIRONMENTAL STATISTICS AND TRENDS. The
13 commission shall review existing programs for the collection,
14 maintenance, and dissemination of environmental quality data, and shall
15 make recommendations for the creation of a single, state-wide,
16 geographically based system for the maintenance of environmental
17 quality data, statistics, and trends. The program should be designed
18 to be administered by a single authority responsible for maintaining
19 environmental quality information based upon raw monitoring and other
20 data collected by other entities. The commission shall make
21 recommendations on methodologies to establish and maintain trend
22 analyses for environmental parameters that will be useful for program
23 administration, policy development, environmental budgeting, as well as
24 understandable to the public. The recommended program should ensure
25 high quality and objective data and analyses.

26 NEW SECTION. **Sec. 12.** COMMISSION WORKPLAN. By December 1, 1992,
27 the commission shall submit a workplan to the legislative standing
28 committees on the environment on carrying out the duties of this

1 chapter during the three-year period of the commission's existence.
2 The commission shall endeavor to set priorities under the workplan to
3 complete and submit reports requiring legislative action to coincide
4 with the commencement of the regular sessions of the legislature.
5 Periodic reports of the commission's progress in completing the three-
6 year workplan shall be provided to the legislative standing committees
7 on the environment.

8 NEW SECTION. **Sec. 13.** COMPENSATION. Nonlegislative members of
9 the commission shall be reimbursed for travel expenses for attending
10 meetings of the commission or any commission subgroups as provided for
11 in RCW 43.03.050 and 43.03.060. Legislative members shall be
12 reimbursed for travel expenses for attending meetings of the commission
13 as provided for in RCW 44.04.120.

14 NEW SECTION. **Sec. 14.** STAFF. The office of financial management
15 and the legislature shall provide staff as required by the commission
16 to conduct its duties under this chapter. All agencies of state and
17 local government shall cooperate fully with the commission in carrying
18 out its duties under this chapter, and to extent permitted by law shall
19 provide all information requested by the commission.

20 NEW SECTION. **Sec. 15.** The commission may receive and spend
21 gifts, grants, and endowments from private or nonstate sources to carry
22 out the purposes of this chapter.

23 NEW SECTION. **Sec. 16.** The commission may contract for such
24 services as are necessary to supplement the staff as provided in
25 section 15 of this act.

1 NEW SECTION. **Sec. 17.** The sum of or as much
2 thereof as may be necessary, is appropriated to the office of financial
3 management from the general fund for the biennium ending June 30, 1993,
4 for the purposes of this act.

5 NEW SECTION. **Sec. 18.** Sections 1 through 6, and 10 through 16
6 of this act, and the commission on environmental strategies shall
7 expire June 30, 1995.

8 NEW SECTION. **Sec. 19.** Captions used in sections 1 through 14
9 of this act do not constitute part of the law.

10 NEW SECTION. **Sec. 20.** Sections 1 through 16, and 18 shall
11 constitute a new chapter in Title 43 RCW.