
SUBSTITUTE SENATE BILL 5435

State of Washington

56th Legislature

1999 Regular Session

By Senate Committee on Environmental Quality & Water Resources
(originally sponsored by Senators Fraser, Jacobsen, McAuliffe, Eide,
Rasmussen, Fairley, Kohl-Welles, Kline and Spanel)

Read first time 02/25/1999.

1 AN ACT Relating to the Washington environment 21 commission; adding
2 a new chapter to Title 43 RCW; and providing an expiration date.

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

4 NEW SECTION. **Sec. 1.** COMMISSION ON WASHINGTON ENVIRONMENT 21
5 CREATED. (1) There is created the Washington environment 21
6 commission.

7 (2) The commission shall consist of no fewer than fourteen members
8 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
14 business and industry, agriculture, local government, and environmental
15 organizations;

16 (c) Four members of the house of representatives, two from each
17 major caucus, appointed by the speaker of the house of representatives;

18 (d) Four members of the senate, two from each major caucus,
19 appointed by the president of the senate;

1 (e) The director of the office of financial management or the
2 director's designee and the director of the department of ecology; and

3 (f) Representatives of tribal governments and the United States
4 environmental protection agency shall be invited to participate by the
5 commission.

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 ninety
8 days of the effective date of this section.

9 (4) Whenever the commission considers the subject of the
10 relationship and integration of the state's environmental and growth
11 management programs, the director of the department of community,
12 trade, and economic development shall participate on the commission.
13 Whenever the commission considers subjects relating to the management
14 of state-owned natural resources, the commissioner of public lands
15 shall be invited to participate on the commission. Whenever the
16 commission considers the subject of drinking water quality or quantity
17 the secretary of the department of health shall participate on the
18 commission. Whenever the commission considers subjects relating to
19 fish and wildlife and their habitats, the director of the department of
20 fish and wildlife shall participate on the commission.

21 (5) 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;

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

32 (3) Achieve greater consistency among the goals, standards, and
33 objectives of existing environmental quality statutes, and assist the
34 legislature in better integrating new statutory goals and objectives to
35 existing statutory provisions;

36 (4) Build upon the recommendations of the land use study commission
37 for integrating the state's environmental and growth management
38 programs;

1 (5) Ensure that the relative priority of environmental threats to
2 the state is a central consideration in the development of state
3 operating and capital budgets for environmental programs;

4 (6) Achieve a uniform, consistent, and high-quality periodic
5 assessment of the state's environmental quality, improve monitoring and
6 data management relating to environmental quality, and establish a
7 system to assess state-wide environmental trends over time to assist in
8 developing policies and budgets; and

9 (7) Reduce or eliminate environmental programs or activities that
10 do not provide a substantial contribution to maintaining the state's
11 environmental quality.

12 NEW SECTION. **Sec. 3.** ENVIRONMENTAL QUALITY STATUTES--REVIEW--
13 RECOMMENDATIONS. The commission shall review the explicit goals and
14 objectives of the state's major environmental quality statutes and make
15 recommendations to the legislature and governor to reconcile
16 conflicting or inconsistent provisions. The commission shall also
17 review and make recommendations for integrating and making consistent
18 environmental standards applicable to the same activities.

19 NEW SECTION. **Sec. 4.** REVIEW OF ENVIRONMENTAL PROGRAMS. (1) In
20 conducting its duties relating to increasing reliance upon alternative
21 environmental strategies, the commission shall review existing
22 environmental programs in the state of Washington to assess their
23 capability to address the threats to the state's environmental quality
24 anticipated in the state over the next twenty years. The commission
25 shall further review and make specific recommendations for legislative
26 and administrative action to implement alternative methods to achieve
27 comparable or greater environmental protection in a cost-efficient
28 manner, considering both public and private costs. Examples that the
29 commission may consider include, but are not limited to:

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

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

34 (c) Expansion of pollution credit trading where allowed in existing
35 programs, and extension of such policies to other programs;

36 (d) Pollution prevention programs;

1 (e) Increased public and consumer education to achieve voluntary
2 actions where cumulative impacts of numerous activities make
3 traditional regulatory methods impractical;

4 (f) Reduced permit requirements for closed-loop industrial
5 processes;

6 (g) Greater reliance upon technical assistance to businesses to
7 achieve compliance with regulatory requirements.

8 (2) In conducting its review under this section the commission
9 shall identify obstacles to implementing recommended alternative
10 environmental strategies due to federal law constraints and shall make
11 recommendations on methods to obtain necessary federal approvals to
12 remove the obstacles.

13 NEW SECTION. **Sec. 5.** ENVIRONMENTAL RISK REDUCTION--BUDGET
14 DEVELOPMENT--TRUST FUNDS--REVIEW--RECOMMENDATIONS. (1) The commission
15 shall review the relative risk of those environmental threats addressed
16 by existing state programs, and compare this risk with the relative
17 levels of fiscal resources committed in the operating and capital
18 budgets of the programs. In determining the relative risk the
19 commission may rely upon existing reports such as those prepared under
20 the department of ecology's environment 2010 project and other relative
21 risk reports prepared by the department and the United States
22 environmental protection agency. The commission shall make
23 recommendations on existing and future budgetary levels to achieve
24 greater total risk reduction when considering all environmental threats
25 addressed by state programs.

26 (2) The commission shall also review and make recommendations for
27 changes in budget development procedures within state agencies and the
28 office of financial management to achieve greater consistency of
29 budgetary levels with the relative risk from different environmental
30 threats. For this purpose the commission shall review the restrictions
31 within existing dedicated fund sources for environmental programs and
32 make recommendations for changes to such funds for greater flexibility
33 to address the most significant environmental threats.

34 (3) The commission shall evaluate the role of state tax policy in
35 protecting the state's environmental quality and ecological resources.
36 The commission shall make recommendations for strengthening the utility
37 of tax policy as an instrument to achieve the goals and objectives of
38 the state's environmental quality statutes.

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

5 NEW SECTION. **Sec. 6.** ENVIRONMENTAL STATISTICS AND TRENDS. The
6 commission shall review existing programs for the collection,
7 maintenance, and dissemination of environmental quality data, and shall
8 make recommendations for the creation of a single, state-wide,
9 geographically based system for the maintenance of environmental
10 quality data, statistics, and trends. The program should be designed
11 to be administered by a single authority responsible for maintaining
12 environmental quality information based upon monitoring and other data
13 collected by other entities. The commission shall make recommendations
14 on methodologies to establish and maintain trend analyses for
15 environmental parameters that will be useful for program
16 administration, policy development, and environmental budgeting, as
17 well as understandable to the public. The recommended program should
18 ensure high quality and objective data and analyses.

19 NEW SECTION. **Sec. 7.** STRENGTHENING THE ROLE OF SCIENCE IN PUBLIC
20 POLICY DEVELOPMENT. The commission shall make recommendations for
21 strengthening the role of science in the development of policies for
22 protecting Washington's environmental quality. The recommendations
23 should address the means by which existing scientific expertise in
24 agencies within local and state government, within the state's
25 institutions of higher education, and in other public institutions may
26 provide scientific expertise and advice to:

27 (1) Assist the legislature and state agencies in the formulation of
28 environmental quality policies, and in the adoption of program budgets,
29 that address significant threats to environmental quality, and to
30 ensure that the limited public and private resources available for
31 environmental protection strategies be allocated consistently with the
32 relative magnitude of environmental threats;

33 (2) Periodically evaluate and make recommendations to the
34 legislature and the governor on environmental monitoring and data
35 management systems to assess trends in different environmental
36 parameters comprehensively;

1 (3) Make recommendations for modifying existing policies and
2 programs to address new or increased environmental threats, as well as
3 reduced or eliminated environmental threats; and

4 (4) Assist the legislature and state agencies in ensuring that laws
5 and rules for the protection of environmental quality take into account
6 the relative risk associated with the threat being addressed, and the
7 nature and extent of such risk assessed under sound scientific review.

8 NEW SECTION. **Sec. 8.** COMMISSION WORK PLAN. By December 1, 1999,
9 the commission shall submit a work plan to the legislative standing
10 committees on the environment on carrying out the duties of this
11 chapter during the four-year period of the commission's existence. The
12 commission shall endeavor to set priorities under the work plan to
13 complete and submit reports requiring legislative action to coincide
14 with the commencement of the regular sessions of the legislature.
15 Periodic reports of the commission's progress in completing the three-
16 year work plan shall be provided to the legislative standing committees
17 on the environment.

18 NEW SECTION. **Sec. 9.** REIMBURSEMENT. Nonlegislative members of
19 the commission shall be reimbursed for travel expenses for attending
20 meetings of the commission or any commission subgroups as provided for
21 in RCW 43.03.050 and 43.03.060. Legislative members shall be
22 reimbursed for travel expenses for attending meetings of the commission
23 as provided for in RCW 44.04.120.

24 NEW SECTION. **Sec. 10.** STAFF. (1) The office of financial
25 management and the legislature shall provide staff as required by the
26 commission to conduct its duties under this chapter. The office of the
27 attorney general shall provide advice and counsel as required by the
28 commission to conduct its duties under this chapter. All agencies, the
29 directors or chief executive officers of which serve on the commission,
30 shall provide staff as required by the commission to conduct its duties
31 under this chapter. All agencies of state and local government shall
32 cooperate fully with the commission in carrying out its duties under
33 this chapter, and to the extent permitted by law shall provide all
34 information requested by the commission.

35 (2) The commission may contract for such services as are necessary
36 to supplement the staff as provided in this section.

1 NEW SECTION. **Sec. 11.** GIFTS, GRANTS, AND ENDOWMENTS. The
2 commission may receive and spend gifts, grants, and endowments from
3 private or nonstate sources to carry out the purposes of this chapter.

4 NEW SECTION. **Sec. 12.** CAPTIONS NOT LAW. Captions used in this
5 chapter are not any part of the law.

6 NEW SECTION. **Sec. 13.** EXPIRATION OF CHAPTER. This chapter
7 expires June 30, 2003.

8 NEW SECTION. **Sec. 14.** Sections 1 through 13 of this act
9 constitute a new chapter in Title 43 RCW.

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