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SENATE BILL 5435

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State of Washington

56th Legislature

1999 Regular Session

By Senators Fraser, Jacobsen, McAuliffe, Eide, Rasmussen, Fairley, Kohl-Welles, Kline and Spanel

Read first time 01/22/1999. Referred to Committee on Environmental Quality & Water Resources.

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) Two members of the house of representatives, one from each  
17 major caucus, appointed by the speaker of the house of representatives;

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

1 (e) The directors of the office of financial management and the  
2 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.

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

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

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

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

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

34 (4) Build upon the recommendations of the land use study commission  
35 for integrating the state's environmental and growth management  
36 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 bubble and offset policies where allowed in  
35 existing 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 analyze proposals for environmental trust  
35 funds and make recommendations regarding the creation of such a fund or  
36 funds for the purpose of providing comprehensive mechanisms to better  
37 address environmental threats as they change over time.

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

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

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

29        (2) Periodically evaluate and make recommendations to the  
30    legislature and the governor on environmental monitoring and data  
31    management systems to assess trends in different environmental  
32    parameters comprehensively;

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

36        (4) Assist the legislature and state agencies in ensuring that laws  
37    and rules for the protection of environmental quality take into account

1 the relative risk associated with the threat being addressed, and the  
2 nature and extent of such risk assessed under sound scientific review.

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

13 NEW SECTION. **Sec. 9.** REIMBURSEMENT. Nonlegislative members of  
14 the commission shall be reimbursed for travel expenses for attending  
15 meetings of the commission or any commission subgroups as provided for  
16 in RCW 43.03.050 and 43.03.060. Legislative members shall be  
17 reimbursed for travel expenses for attending meetings of the commission  
18 as provided for in RCW 44.04.120.

19 NEW SECTION. **Sec. 10.** STAFF. (1) The office of financial  
20 management and the legislature shall provide staff as required by the  
21 commission to conduct its duties under this chapter. All agencies of  
22 state and local government shall cooperate fully with the commission in  
23 carrying out its duties under this chapter, and to the extent permitted  
24 by law shall provide all information requested by the commission.

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

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

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

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

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

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