
SENATE BILL 5027

State of Washington

58th Legislature

2003 Regular Session

By Senators Morton, Rasmussen and Hale

Read first time 01/13/2003. Referred to Committee on Natural Resources, Energy & Water.

1 AN ACT Relating to watershed planning; adding new sections to
2 chapter 90.82 RCW; and creating a new section.

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

4 NEW SECTION. **Sec. 1.** The legislature declares and reaffirms that
5 a core principle embodied in chapter 90.82 RCW is that state agencies
6 must work cooperatively with local citizens in a process of planning
7 for future uses of water by giving local citizens and the governments
8 closest to them the utmost opportunity in determining the future
9 allocation and management of water in the WRIA or WRIs being planned.

10 The legislature further finds that this process of local planning
11 must have all the tools necessary to accomplish this task and that it
12 is essential for the legislature to provide a clear statutory process
13 for implementation so that the locally developed plan will be the
14 adopted and implemented plan to the greatest extent possible.

15 NEW SECTION. **Sec. 2.** A new section is added to chapter 90.82 RCW
16 to read as follows:

17 (1) For rule making required by a state agency that becomes
18 obligated under the provisions of RCW 90.82.130, the state agency must

1 consult with and give deference to the majority opinion of the planning
2 unit, except for matters that are determined to be in opposition to
3 state or federal law. The state agency must provide a written
4 explanation of why the suggestion or suggestions are in opposition to
5 state or federal law.

6 (2) A rule adopted under RCW 90.82.130 must use a negotiated rule-
7 making process conducted among water right holders and other affected
8 residents in the WRIA or WRIsAs being planned, and must include the
9 members of the original planning unit, to the greatest extent
10 practicable.

11 (3) Immediately prior to final adoption of a plan by the
12 appropriate county legislative authority or authorities, the state
13 agency responsible for rule making must present a draft proposed rule
14 for each major portion of a proposed plan that creates an obligation
15 for that state agency to the appropriate county legislative authority
16 or authorities for approval or disapproval. Agreement between the
17 state agency and county legislative authority or authorities on the
18 draft rule language must be reached in order for planning to continue.
19 A majority vote by the county legislative authority or authorities must
20 be achieved for a plan to be considered adopted. If the county
21 legislative authority or authorities object to any portion of the draft
22 rules, the proposal must be redrafted by the state agency and then
23 resubmitted to the county legislative authority or authorities.

24 NEW SECTION. **Sec. 3.** A new section is added to chapter 90.82 RCW
25 to read as follows:

26 (1) Once a plan is adopted under the provisions of RCW 90.82.130,
27 the department may only modify the plan or obligations imposed by the
28 plan through a negotiated rule-making process conducted among water
29 right holders and other affected residents in a watershed or group of
30 watersheds, and must include the members of the original planning unit,
31 to the greatest extent practicable.

32 (2) If any of the initiating governments determines that the
33 department has modified the plan or obligations imposed by the plan
34 without undergoing the process required in subsection (1) of this
35 section, the initiating government must notify the department of such
36 a finding within thirty days. Upon receipt of such a notice, the
37 department must initiate the rule-making process required under

1 subsection (1) of this section and no rules relating to the watershed
2 or watersheds may take effect except through the negotiated rule-making
3 process.

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