
SENATE BILL 5073

State of Washington

58th Legislature

2003 Regular Session

By Senators Fraser, Honeyford, Hale and Kohl-Welles

Read first time 01/14/2003. Referred to Committee on Natural Resources, Energy & Water.

1 AN ACT Relating to watershed management; amending RCW 39.34.020 and
2 35.21.210; adding new sections to chapter 39.34 RCW; adding a new
3 section to chapter 36.01 RCW; adding a new section to chapter 36.94
4 RCW; adding a new section to chapter 36.89 RCW; adding a new section to
5 chapter 35.67 RCW; adding a new section to chapter 57.08 RCW; adding a
6 new section to chapter 54.16 RCW; adding a new section to chapter 87.03
7 RCW; adding a new section to chapter 53.08 RCW; adding a new section to
8 chapter 85.38 RCW; adding a new section to chapter 86.09 RCW; adding a
9 new section to chapter 86.15 RCW; and creating a new section.

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

11 NEW SECTION. **Sec. 1.** The legislature finds that throughout
12 Washington state there are many active efforts to protect, manage, and
13 restore watersheds. The state's river systems provide a variety of
14 benefits for society's many needs, so efforts to protect these
15 watersheds should reflect the diversity of social, environmental, and
16 economic factors that make the state unique.

17 Yet, there is a conflict between the natural flow of river systems
18 and the way watersheds are governed. From a hydrological standpoint,
19 a watershed is a single, integrated system. But these systems usually

1 flow through a number of cities, counties, and other municipalities as
2 they move from their source to the sea. As a result, many are subject
3 to the full range of management interests, including multiple
4 government entities with jurisdiction over water. In many cases, the
5 political boundaries of government do not align with the hydrological
6 boundaries of watersheds and may actually hinder the implementation of
7 coordinated, cooperative plans. Cooperative watershed management
8 actions by local governments, special districts, and utilities can help
9 maintain healthy watershed function and support the beneficial use of
10 water by these entities and protect the quality of the resource that
11 they use or affect. By participating in cooperative watershed
12 management actions, local governments, special districts, and utilities
13 are acting in the public interest and in a manner that is intended to
14 sustain maximum beneficial use and high quality of water over time and
15 to maintain the services that these entities provide.

16 Therefore, it is the intent of this act to remove statutory
17 barriers that may prevent local governments from working together in
18 the creation and implementation of cooperative, coordinated watershed
19 plans. In addition, it is the further intent of this act to provide
20 additional authorities to assist in such implementation.

21 NEW SECTION. **Sec. 2.** A new section is added to chapter 39.34 RCW
22 to read as follows:

23 (1) The legislative authority of a city or county and the governing
24 body of any special purpose district enumerated in subsection (2) of
25 this section may authorize up to ten percent of its water-related
26 revenues to be expended in the implementation of a watershed management
27 plan. Such revenues include rates, charges, and fees for the provision
28 of services relating to water supply, treatment, distribution, and
29 management generally, and those general revenues of the local
30 government that are expended for water management purposes. A local
31 government may not expend for this purpose any revenues that were
32 authorized by voter approval for other specified purposes or that are
33 specifically dedicated to the repayment of municipal bonds or other
34 debt instruments.

35 (2) The following special purpose districts may exercise the
36 authority provided by this section:

- 1 (a) Water districts, sewer districts, and water-sewer districts
2 organized under Title 57 RCW;
- 3 (b) Public utility districts organized under Title 54 RCW;
- 4 (c) Irrigation, reclamation, conservation, and similar districts
5 organized under Titles 87 and 89 RCW;
- 6 (d) Port districts organized under Title 53 RCW;
- 7 (e) Diking, drainage, and similar districts organized under Title
8 85 RCW;
- 9 (f) Flood control and similar districts organized under Title 86
10 RCW;
- 11 (g) Lake management districts organized under chapter 36.61 RCW;
- 12 (h) Aquifer protection areas organized under chapter 36.36 RCW; and
- 13 (i) Shellfish protection districts organized under chapter 90.72
14 RCW.
- 15 (3) The authority for expenditure of local government revenues
16 provided by this section shall be applicable broadly to the
17 implementation of watershed management plans, including but not limited
18 to plans developed under the following authorities:
- 19 (a) Watershed plans developed under chapter 90.82 RCW;
- 20 (b) Salmon recovery plans developed under chapter 77.85 RCW;
- 21 (c) Watershed management elements of comprehensive land use plans
22 developed under the growth management act, chapter 36.70A RCW;
- 23 (d) Watershed management elements of shoreline master programs
24 developed under the shoreline management act, chapter 90.58 RCW;
- 25 (e) Nonpoint pollution action plans developed under the Puget Sound
26 water quality management planning authorities of chapter 90.71 RCW and
27 chapter 400-12 WAC;
- 28 (f) Other comprehensive management plans addressing watershed
29 health at a WRIA level or sub-WRIA basin drainage level; and
- 30 (g) Any combination of the foregoing plans in an integrated
31 watershed management plan.
- 32 (4) The authority provided by this section to expend revenues for
33 watershed management plan implementation shall be construed broadly to
34 include, but not be limited to:
- 35 (a) The coordination and oversight of plan implementation,
36 including funding a watershed management partnership for this purpose;
- 37 (b) Technical support, monitoring, and data collection and
38 analysis;

1 (c) The design, development, construction, and operation of
2 projects included in the plan; and

3 (d) Conducting activities and programs included as elements in the
4 plan.

5 **Sec. 3.** RCW 39.34.020 and 1985 c 33 s 1 are each amended to read
6 as follows:

7 ~~((For the purposes of this chapter, the term))~~ Unless the context
8 clearly requires otherwise, the definitions in this section apply
9 throughout this chapter.

10 (1) "Public agency" ~~((shall))~~ means any agency, political
11 subdivision, or unit of local government of this state including, but
12 not limited to, municipal corporations, quasi municipal corporations,
13 special purpose districts, and local service districts; any agency of
14 the state government; any agency of the United States; any Indian tribe
15 recognized as such by the federal government; and any political
16 subdivision of another state.

17 ~~((The term))~~ (2) "State" ~~((shall))~~ means a state of the United
18 States.

19 (3) "Watershed management partnership" means an interlocal
20 cooperation agreement formed under the authority of section 4 of this
21 act.

22 (4) "WRIA" has the definition in RCW 90.82.020.

23 NEW SECTION. **Sec. 4.** A new section is added to chapter 39.34 RCW
24 to read as follows:

25 Any two or more public agencies may enter into agreements with one
26 another to form a watershed management partnership for the purpose of
27 implementing any portion or all elements of a watershed management
28 plan, including the coordination and oversight of plan implementation.
29 The plan may be any plan or plan element described in section 2(3) of
30 this act. The watershed partnership agreement shall include the
31 provisions required of all interlocal agreements under RCW
32 39.34.030(3). The agreement shall be filed pursuant to RCW 39.34.040
33 with the county auditor of each county lying within the geographical
34 watershed area to be addressed by the partnership.

1 NEW SECTION. **Sec. 5.** A new section is added to chapter 39.34 RCW
2 to read as follows:

3 The public agencies forming a watershed management partnership
4 under the authority of section 4 of this act may develop and implement
5 a plan for financing all or one or more elements of a watershed
6 management plan. These public agencies may propose raising additional
7 revenues for this purpose from one or more sources under the existing
8 revenue authorities of those public agencies financing plan
9 implementation. The agencies shall attempt as nearly as practicable to
10 develop a proposal under which the total burden will be distributed
11 equitably upon those persons within the watershed plan area who will be
12 benefited by the project, program, or activity. The revenue proposal
13 shall be submitted at a special or general election on the same day in
14 all jurisdictions in which one or more elements of the proposal are to
15 be applicable, and shall not be implemented unless the proposal
16 receives a majority vote of the votes cast within each city, county,
17 and special purpose district participating in the proposal.

18 NEW SECTION. **Sec. 6.** A new section is added to chapter 39.34 RCW
19 to read as follows:

20 Where a watershed management partnership formed under the authority
21 of section 4 of this act establishes a separate legal entity to conduct
22 the cooperating undertaking of the partnership, such legal entity is
23 authorized for the purpose of carrying out such undertaking to contract
24 indebtedness and to issue and sell general obligation bonds pursuant to
25 and in the manner provided for general county bonds in chapters 36.67
26 and 39.46 RCW and other applicable statutes, and to issue revenue bonds
27 pursuant to and in the manner provided for revenue bonds in chapter
28 36.67 RCW and other applicable statutes. The joint board established
29 by the partnership agreement shall perform the functions referenced in
30 chapter 36.67 RCW to be performed by the county legislative authority
31 in the case of county bonds.

32 NEW SECTION. **Sec. 7.** A new section is added to chapter 39.34 RCW
33 to read as follows:

34 The amendments by chapter . . ., Laws of 2003 (this act) to the
35 interlocal cooperation act authorities are intended to provide
36 additional authority to public agencies for the purposes of

1 implementing watershed management plans, and do not affect any
2 agreements among public agencies existing on the effective date of this
3 section.

4 NEW SECTION. **Sec. 8.** A new section is added to chapter 36.01 RCW
5 to read as follows:

6 A county may, acting through the county legislative authority,
7 participate in and expend revenue on cooperative watershed management
8 actions, including watershed management partnerships under section 6 of
9 this act and other intergovernmental agreements, for purposes of water
10 supply, water quality, and water resource and habitat protection and
11 management.

12 NEW SECTION. **Sec. 9.** A new section is added to chapter 36.94 RCW
13 to read as follows:

14 In addition to the authority provided in RCW 36.94.020, a county
15 may, as part of maintaining a system of sewerage and/or water,
16 participate in and expend revenue on cooperative watershed management
17 actions, including watershed management partnerships under section 6 of
18 this act and other intergovernmental agreements, for purposes of water
19 supply, water quality, and water resource and habitat protection and
20 management.

21 NEW SECTION. **Sec. 10.** A new section is added to chapter 36.89 RCW
22 to read as follows:

23 In addition to the authority provided in RCW 36.89.030, a county
24 may, as part of maintaining a system of storm water control facilities,
25 participate in and expend revenue on cooperative watershed management
26 actions, including watershed management partnerships under section 6 of
27 this act and other intergovernmental agreements, for purposes of water
28 supply, water quality, and water resource and habitat protection and
29 management.

30 **Sec. 11.** RCW 35.21.210 and 1965 c 7 s 35.21.210 are each amended
31 to read as follows:

32 Any city or town shall have power to provide for the sewerage,
33 drainage, and water supply thereof, and to establish, construct, and
34 maintain a system or systems of sewers and drains and a system or

1 systems of water supply, within or without the corporate limits of such
2 city or town, and to control, regulate, and manage the same. In
3 addition, any city or town may, as part of maintaining a system of
4 sewers and drains or a system of water supply, or independently of such
5 a system or systems, participate in and expend revenue on cooperative
6 watershed management actions, including watershed management
7 partnerships under section 6 of this act and other intergovernmental
8 agreements, for purposes of water supply, water quality, and water
9 resource and habitat protection and management.

10 NEW SECTION. Sec. 12. A new section is added to chapter 35.67 RCW
11 to read as follows:

12 In addition to the authority provided in RCW 35.67.020, a city may,
13 as part of maintaining a system sewerage, participate in and expend
14 revenue on cooperative watershed management actions, including
15 watershed management partnerships under section 6 of this act and other
16 intergovernmental agreements, for purposes of water supply, water
17 quality, and water resource and habitat protection and management.

18 NEW SECTION. Sec. 13. A new section is added to chapter 57.08 RCW
19 to read as follows:

20 In addition to the authority provided in RCW 57.08.005, a water
21 district, sewer district, or water-sewer district may participate in
22 and expend revenue on cooperative watershed management actions,
23 including watershed management partnerships under section 6 of this act
24 and other intergovernmental agreements, for purposes of water supply,
25 water quality, and water resource and habitat protection and
26 management.

27 NEW SECTION. Sec. 14. A new section is added to chapter 54.16 RCW
28 to read as follows:

29 In addition to the authority provided in RCW 54.16.030 relating to
30 water supply, a public utility district may participate in and expend
31 revenue on cooperative watershed management actions, including
32 watershed management partnerships under section 6 of this act and other
33 intergovernmental agreements, for purposes of water supply, water
34 quality, and water resource and habitat protection and management.

1 NEW SECTION. **Sec. 15.** A new section is added to chapter 87.03 RCW
2 to read as follows:

3 In addition to the authority provided throughout this title, an
4 irrigation district, reclamation district, and similar districts
5 organized pursuant to the authority of this title may participate in
6 and expend revenue on cooperative watershed management actions,
7 including watershed management partnerships under section 6 of this act
8 and other intergovernmental agreements, for purposes of water supply,
9 water quality, and water resource and habitat protection and
10 management.

11 NEW SECTION. **Sec. 16.** A new section is added to chapter 53.08 RCW
12 to read as follows:

13 In addition to the authority provided in this chapter, a port
14 district may participate in and expend revenue on cooperative watershed
15 management actions, including watershed management partnerships under
16 section 6 of this act and other intergovernmental agreements, for
17 purposes of water supply, water quality, and water resource and habitat
18 protection and management.

19 NEW SECTION. **Sec. 17.** A new section is added to chapter 85.38 RCW
20 to read as follows:

21 In addition to the authority provided throughout this title,
22 diking, drainage, sewerage improvement, and similar districts organized
23 pursuant to this title may participate in and expend revenue on
24 cooperative watershed management actions, including watershed
25 management partnerships under section 6 of this act and other
26 intergovernmental agreements, for purposes of water supply, water
27 quality, and water resource and habitat protection and management.

28 NEW SECTION. **Sec. 18.** A new section is added to chapter 86.09 RCW
29 to read as follows:

30 In addition to the authority provided in this chapter, flood
31 control districts may participate in and expend revenue on cooperative
32 watershed management actions, including watershed management
33 partnerships under section 6 of this act and other intergovernmental
34 agreements, for purposes of water supply, water quality, and water
35 resource and habitat protection and management.

1 NEW SECTION. **Sec. 19.** A new section is added to chapter 86.15 RCW
2 to read as follows:

3 In addition to the authority provided in this chapter, flood
4 control zone districts may participate in and expend revenue on
5 cooperative watershed management actions, including watershed
6 management partnerships under section 6 of this act and other
7 intergovernmental agreements, for purposes of water supply, water
8 quality, and water resource and habitat protection and management.

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