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SECOND SUBSTITUTE HOUSE BILL 1374

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State of Washington                      60th Legislature                      2007 Regular Session

By House Committee on Appropriations (originally sponsored by Representatives Upthegrove, Sump, Hunt, Appleton, Chase, Kenney, Simpson, Roberts, Dickerson, Conway and Springer; by request of Governor Gregoire)

READ FIRST TIME 3/5/07.

1            AN ACT Relating to the Puget Sound partnership; amending RCW  
2 90.71.005, 90.71.010, 90.71.100, 43.17.010, 43.17.020, 42.17.2401,  
3 77.85.090, 70.220.040, 43.155.070, 70.146.070, 89.08.520, 70.105D.070,  
4 79A.15.040, 90.88.005, 90.88.020, 90.88.030, 90.88.901, 90.88.902,  
5 90.48.260, 79A.60.520, 79A.60.510, 79.105.500, 77.60.130, 70.146.070,  
6 70.118.090, 43.21J.030, 43.21J.040, and 28B.30.632; reenacting and  
7 amending RCW 79.105.150 and 77.85.130; adding new sections to chapter  
8 90.71 RCW; adding a new section to chapter 41.06 RCW; adding a new  
9 section to chapter 43.155 RCW; adding a new section to chapter 70.146  
10 RCW; adding a new section to chapter 89.08 RCW; adding a new section to  
11 chapter 70.105D RCW; adding a new section to chapter 79.105 RCW; adding  
12 a new section to chapter 79A.15 RCW; adding a new section to chapter  
13 77.85 RCW; adding a new section to chapter 70.118 RCW; recodifying RCW  
14 90.71.100; decodifying RCW 90.71.902 and 90.71.903; repealing RCW  
15 90.71.015, 90.71.020, 90.71.030, 90.71.040, 90.71.050, 90.71.070,  
16 90.71.080, 90.71.900, and 90.71.901; providing an effective date; and  
17 declaring an emergency.

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

1       **Sec. 1.** RCW 90.71.005 and 1998 c 246 s 13 are each amended to read  
2 as follows:

3       (1) The legislature finds that(~~(+)~~  
4       ~~(a)~~) Puget Sound and related inland marine waterways (~~(of~~  
5 ~~Washington state)~~), such as Hood Canal and the lakes, rivers, and  
6 streams that flow to them, represent a unique and unparalleled  
7 resource(~~(-)~~) to the state of Washington with a rich and varied range  
8 of freshwater and marine organisms, comprising an interdependent,  
9 sensitive communal ecosystem (~~(reside in these sheltered waters)~~).  
10 Residents of this region enjoy a way of life centered around (~~(the)~~)  
11 these waters (~~(of Puget Sound)~~), featuring accessible recreational  
12 opportunities, world-class port facilities and water transportation  
13 systems, harvest of marine food resources, shoreline-oriented life  
14 styles, water-dependent industries, tourism, irreplaceable aesthetics,  
15 water for domestic, agricultural, and industrial uses, and other  
16 activities, all of which (~~(to some degree)~~) depend upon (~~(a)~~) clean and  
17 healthy marine and freshwater resources(~~(+)~~

18       ~~(b) The Puget Sound water quality authority has done an excellent~~  
19 ~~job in developing a comprehensive plan to identify actions to restore~~  
20 ~~and protect the biological health and diversity of Puget Sound;~~

21       ~~(c) The large number of governmental entities that now have~~  
22 ~~regulatory programs affecting the water quality of Puget Sound have~~  
23 ~~diverse interests and limited jurisdictions that cannot adequately~~  
24 ~~address the cumulative, wide ranging impacts that contribute to the~~  
25 ~~degradation of Puget Sound; and~~

26       ~~(d) Coordination of the regulatory programs, at the state and local~~  
27 ~~level, is best accomplished through the development of interagency~~  
28 ~~mechanisms that allow these entities to transcend their diverse~~  
29 ~~interests and limited jurisdictions.~~

30       ~~(2) It is therefore the policy of the state of Washington to~~  
31 ~~coordinate the activities of state and local agencies by establishing~~  
32 ~~a biennial work plan that clearly delineates state and local actions~~  
33 ~~necessary to protect and restore the biological health and diversity of~~  
34 ~~Puget Sound. It is further the policy of the state to implement the~~  
35 ~~Puget Sound water quality management plan to the maximum extent~~  
36 ~~possible. To further the policy of the state, a recovery plan~~  
37 ~~developed under the federal endangered species act for a portion or all~~

1 ~~of the Puget Sound shall be considered for inclusion into the Puget~~  
2 ~~Sound water quality management plan)).~~

3 (2) The legislature finds that Puget Sound is in serious decline,  
4 and the Hood Canal is in a serious crisis. Symptoms in the Puget Sound  
5 and the Hood Canal also include the decline of some of our most revered  
6 species, such as salmon and orcas; and the conversion of forest lands  
7 to city-scapes, which has negatively impacted many birds and mammals,  
8 along with altering the flow of rivers and streams. These flow changes  
9 begin from land and run to sea, carrying polluted run-off from human  
10 development. Closures of beaches to shellfish harvest due to the risk  
11 of disease have become more frequent and widespread. In places such as  
12 Hood Canal, the circulatory system is failing, and its inability to  
13 maintain sufficient oxygen levels has led to devastating fish kills and  
14 the death of other marine life. If left unchecked, these conditions  
15 will increase in frequency and will spread to other areas such as the  
16 Puget Sound.

17 (3) The legislature finds that the current system of governance for  
18 protection and restoration of Puget Sound is highly fragmented. Twelve  
19 counties, more than one hundred cities, seventeen tribes, numerous  
20 state and federal agencies, as well as hundreds of special purpose  
21 governmental units are responsible for managing land use and other  
22 actions that benefit or diminish the quality of the environment.  
23 Private organizations, businesses, and citizens are also taking actions  
24 that both benefit and harm the rich natural resources of the region.  
25 The legislature recognizes that all levels of government need to work  
26 together in partnership with the public, tribes, nongovernmental  
27 organizations, and the private sector to ensure that the Puget Sound  
28 will be a thriving natural system, with clean marine and freshwaters;  
29 healthy and abundant native species; natural shorelines and places for  
30 public enjoyment; and a vibrant economy that prospers in productive  
31 harmony with a healthy Puget Sound.

32 (4) The legislature intends for the Puget Sound partnership to  
33 define a strategic, basin-wide plan that prioritizes necessary actions,  
34 and create an approach that addresses all of the complex connections  
35 among the land, water, web of species, and human needs.

36 (5) The legislature finds that immediate and concerted action is  
37 needed to save these national treasures, and that we must fundamentally  
38 change our approach toward restoring the health of the Puget Sound and

1 Hood Canal. To this end, the Puget Sound partnership is tasked with  
2 using, supporting, building upon, and unifying existing efforts from  
3 organizations and from all levels of government.

4 (6) The legislature finds that leadership, accountability,  
5 government transparency, thoughtful and responsible spending of public  
6 funds, and public involvement are integral to success. To achieve this  
7 success, the legislature intends to task the Puget Sound partnership  
8 with coordinating and leading the Puget Sound restoration effort,  
9 determining accountability for performance, overseeing the efficiency  
10 and effectiveness of money spent, educating and engaging the public,  
11 and tracking and reporting results to the legislature, the governor,  
12 and the public.

13 (7) The legislature intends to provide the Puget Sound partnership  
14 with nonregulatory authority, and recognizes that adequate funding is  
15 necessary to ensure Puget Sound restoration and protection. The Puget  
16 Sound partnership is tasked with supporting local governments and  
17 organizations by aiding, funding, and improving upon their existing  
18 efforts, by respecting local governments' authorities, and by  
19 identifying, funding, and closing the gaps in the collective efforts.

20 (8) The legislature intends the Puget Sound partnership to create  
21 an action agenda based on science that includes clear, measurable goals  
22 for the recovery of Puget Sound by 2020. The action agenda will  
23 prioritize necessary actions, both across the Sound and within specific  
24 geographical areas, such as Hood Canal.

25 (9) In making appointments to the leadership council, the governor  
26 should give preference to persons who are publicly respected and  
27 influential, and who have a significant history of success on major  
28 public policy and management issues, as well as interest in the  
29 environmental and economic prosperity of Puget Sound.

30 **Sec. 2.** RCW 90.71.010 and 1996 c 138 s 2 are each amended to read  
31 as follows:

32 Unless the context clearly requires otherwise, the definitions in  
33 this section apply throughout this chapter.

34 (1) (~~"Action team" means the Puget Sound water quality action~~  
35 ~~team.~~

36 (2) ~~"Chair" means the chair of the action team.~~

1       ~~(3) "Council" means the Puget Sound council created in RCW~~  
2 ~~90.71.030.~~

3       ~~(4) "Puget Sound management plan" means the 1994 Puget Sound water~~  
4 ~~quality management plan as it exists June 30, 1996, and as subsequently~~  
5 ~~amended by the action team.~~

6       ~~(5) "Support staff" means the staff to the action team.~~

7       ~~(6) "Work plan" means the work plan and budget developed by the~~  
8 ~~action team.)~~ "Action agenda" means the product developed pursuant to  
9 section 13 of this act, and includes the Puget Sound management plan as  
10 it exists on the effective date of this section and as it is modified  
11 in the future by the council.

12       (2) "Action agenda goals" means those goals in section 12 of this  
13 act.

14       (3) "Benchmarks" means scientific standards that can be measured.

15       (4) "Board" means the coordination board.

16       (5) "Committee" means the Puget Sound science advisory committee.

17       (6) "Council" means the leadership council.

18       (7) "Environmental indicator" means a physical, biological, or  
19 chemical measurement, statistic, or value that provides a proximate  
20 gauge, or evidence of, the state or condition of Puget Sound.

21       (8) "Food web" means a succession of organisms in an ecological  
22 community that constitutes a continuation of food energy from one  
23 organism to another as each organism consumes a lower member and, in  
24 turn, is preyed upon by a higher member.

25       (9) "Partnership" means the Puget Sound partnership.

26       (10) "Puget Sound" means Puget Sound and related inland marine  
27 waterways, including all salt waters of the state of Washington inside  
28 the international boundary line between Washington and British  
29 Columbia, and lying east of the junction of the Pacific Ocean and the  
30 Strait of Juan de Fuca, and the rivers and streams draining to Puget  
31 Sound as mapped by water resource inventory areas 1 through 19 in WAC  
32 173-500-040 as it exists on the effective date of this section.

33       (11) "Puget Sound partner" means a city, county, special district,  
34 or other local government identified as a Puget Sound partner under  
35 section 17 of this act.

36       (12) "Salmon recovery areas" means the fourteen salmon recovery  
37 areas defined in the Puget Sound salmon recovery plan, drafted by

1 shared strategy for Puget Sound and adopted by the national oceanic and  
2 atmospheric administration national marine fisheries service January  
3 19, 2007.

4 (13) "Watershed group" means:

5 (a) Salmon recovery planning groups;

6 (b) Water resource inventory area groups;

7 (c) Marine resources committees;

8 (d) Regional fisheries enhancement groups; and

9 (e) Other governmental or quasi-governmental entities that address  
10 physical, chemical, biological, ecological, or other environmentally  
11 related activities in a hydrologically defined area.

12 NEW SECTION. Sec. 3. PUGET SOUND PARTNERSHIP. (1) An independent  
13 agency of state government, to be known as the Puget Sound partnership,  
14 is created to oversee the restoration of the environmental health of  
15 Puget Sound by 2020. The agency shall consist of a leadership council,  
16 an executive director, a coordination board, and a Puget Sound science  
17 advisory committee.

18 (2) A person may hold only one partnership position, whether it is  
19 as a councilmember, a board member, a committee member, or as executive  
20 director, unless otherwise stated in this chapter.

21 NEW SECTION. Sec. 4. LEADERSHIP COUNCIL--STRUCTURE--PROCEDURES.  
22 The partnership shall be led by a leadership council. The council  
23 shall be structured as follows:

24 (1) The council shall consist of seven members appointed by the  
25 governor with the advice and consent of the senate.

26 (2)(a) The governor shall designate one of the seven members to  
27 serve as chair.

28 (b) A vice-chair shall be selected by the membership of the  
29 council.

30 (3) The initial members shall be appointed as follows:

31 (a) Three of the initial members shall be appointed for a term of  
32 two years;

33 (b) Two of the initial members shall be appointed for a term of  
34 three years;

35 (c) Two of the initial members shall be appointed for a term of  
36 four years;

1 (d) The initial chair may be appointed for a two-year, three-year,  
2 or four-year term; and

3 (e) The initial vice-chair may be appointed for a two-year, three-  
4 year, or four-year term.

5 (4) The initial members' successors shall be appointed for terms of  
6 four years each, except that any person chosen to fill a vacancy shall  
7 be appointed only for the unexpired term of the member whom he or she  
8 succeeds.

9 (5) Members are eligible for reappointment.

10 (6) Any member of the council may be removed by the governor for  
11 cause.

12 (7) Members whose terms expire shall continue to serve until  
13 reappointed or replaced by a new member.

14 (8) A majority of the council constitutes a quorum for the  
15 transaction of business.

16 (9) Council decisions and actions require majority vote approval of  
17 all council members.

18 (10) The council shall have two nonvoting ex officio members:

19 (a) The commissioner of public lands; and

20 (b) The chair of the committee.

21 NEW SECTION. **Sec. 5.** LEADERSHIP COUNCIL--POWERS AND DUTIES. (1)  
22 The leadership council created in section 4 of this act shall have the  
23 power and duty to:

24 (a) Provide overall leadership and have overall responsibility for  
25 the functions of the partnership, including setting strategic  
26 priorities and interim benchmarks and making final decisions for the  
27 partnership;

28 (b) Develop, approve, revise, and oversee implementation and  
29 adaptive management of the action agenda;

30 (c) Allocate all funds appropriated to the partnership from the  
31 Puget Sound recovery account created in section 27 of this act;

32 (d) Determine compliance with the action agenda;

33 (e) Adopt procedural rules, in accordance with chapter 34.05 RCW,  
34 necessary to carry out the purposes of this chapter;

35 (f) Apply accountability measures consistent with the assessment in  
36 RCW 43.17.390;

- 1 (g) Provide the state of the Sound report to the governor and the  
2 legislature, as provided in section 20 of this act;
- 3 (h) Appoint members of the board, as provided in section 7 of this  
4 act;
- 5 (i) Appoint members of the committee, as provided in section 9 of  
6 this act;
- 7 (j) Create subcommittees, advisory committees, and nonprofit  
8 corporations, as appropriate to assist the council;
- 9 (k) Enter into, amend, and terminate contracts with individuals,  
10 corporations, or research institutions to effectuate the purposes of  
11 this chapter;
- 12 (l) Make grants to governmental and nongovernmental entities to  
13 effectuate the purposes of this chapter;
- 14 (m) Receive such gifts, grants, and endowments, in trust or  
15 otherwise, for the use and benefit of the partnership to effectuate the  
16 purposes of this chapter. The partnership may expend the same or any  
17 income therefrom according to the terms of the gifts, grants, and  
18 endowments;
- 19 (n) Promote extensive public awareness, education, and  
20 participation in Puget Sound protection and recovery;
- 21 (o) Receive and expend funding from other public agencies;
- 22 (p) Facilitate accountability and reporting obligations;
- 23 (q) Develop and implement a process to review and address citizen  
24 concerns regarding action agenda development, and accountability for  
25 funding and results under the action agenda;
- 26 (r) Participate actively in a nongovernmental private-public  
27 partnership focused on public education, awareness, and promoting  
28 fund-raising opportunities, to effectuate the goals in this chapter;
- 29 (s) Maintain complete and consolidated financial information to  
30 ensure all funds received and expended to implement the action agenda  
31 are accounted for;
- 32 (t) Serve as the regional recovery organization for purposes of  
33 chapter 77.85 RCW for Puget Sound salmon recovery; and
- 34 (v) Conduct periodic reviews of its governmental and organizational  
35 effectiveness, identification of barriers to implementation, and  
36 recommend changes in authorizing statutes to the governor and the  
37 legislature to improve its effectiveness in carrying out the duties and



1 responsibilities of this chapter. The first such review shall be  
2 completed and sent to the governor and the appropriate committees of  
3 the legislature by November 15, 2008.

4 (2) The council may delegate functions to the chair and to the  
5 executive director, however the council may not delegate its decisional  
6 authority regarding:

7 (a) Developing or amending the action agenda; and

8 (b) Issuing annual progress reports required under this section.

9 (3) The council shall work closely with existing organizations and  
10 all levels of government to ensure that the action agenda and its  
11 implementation are scientifically sound, efficient, and achieve  
12 necessary results to accomplish recovery of Puget Sound to health by  
13 2020.

14 (4) The council shall support, engage, and foster watershed groups  
15 to enable them to address local concerns.

16 (5) When working with federally recognized Indian tribes to develop  
17 and implement the action agenda, the council shall conform to the  
18 procedures and standards required in a government-to-governmental  
19 relationship with tribes under the 1989 Centennial Accord between the  
20 state of Washington and the sovereign tribal governments in the state  
21 of Washington.

22 (6) The council shall consult with the committee to determine  
23 environmental indicators, benchmarks, the action agenda work plan, and  
24 action agenda implementation.

25 (7) The council may, on advice of the committee or by its own  
26 decision, consult the Washington academy of sciences created in chapter  
27 70.220 RCW to secure independent scientific review of significant  
28 technical and scientific issues related to its work.

29 NEW SECTION. **Sec. 6.** EXECUTIVE DIRECTOR--POWERS AND DUTIES. (1)  
30 The partnership shall be administered by an executive director who  
31 serves as a communication link between all levels of government, the  
32 private sector, nongovernmental organizations, the council, the board,  
33 and the committee. The executive director shall be accountable to the  
34 council and the governor for effective communication, actions, and  
35 results.

36 (2) The executive director shall be appointed by and serve at the  
37 pleasure of the governor, in consultation with the council. The

1 governor shall consider the recommendations of the council when  
2 appointing the executive director. The salary of the executive  
3 director shall be set by the governor.

4 (3) The executive director has the following powers and duties:

5 (a) To supervise the administrative operations of the Puget Sound  
6 partnership and its staff;

7 (b) To administer the partnership programs and budget;

8 (c) To prepare and update the action agenda in accordance with the  
9 goals and guidelines established by the council and in consultation  
10 with the board and with the committee;

11 (d) To produce and distribute a Puget Sound science update as  
12 provided in section 24 of this act;

13 (e) To represent and promote the interests of the state on Puget  
14 Sound recovery issues and further the mission of the partnership;

15 (f) To enter into contracts and agreements, upon approval of the  
16 council, with private nonprofit corporations to further state goals of  
17 preserving, conserving, and enhancing the health of Puget Sound for its  
18 ecological value and public benefit and use;

19 (g) To appoint such technical and other committees as may be  
20 necessary to carry out the purposes of this chapter;

21 (h) To create and maintain a repository for data, studies,  
22 research, and other information relating to Puget Sound health in the  
23 state, and to encourage the interchange of such information; and

24 (i) To encourage and provide opportunities for interagency and  
25 regional coordination and cooperative efforts between public agencies  
26 and between public and private entities involved in the recovery and  
27 preservation of Puget Sound.

28 (4) The executive director shall employ a staff, who shall be state  
29 employees under Title 41 RCW. The executive director shall prescribe  
30 the duties of the staff as may be necessary to implement the purposes  
31 of this chapter.

32 NEW SECTION. **Sec. 7.** COORDINATION BOARD--STRUCTURE--PROCEDURES.

33 (1) The board shall be the communication and implementation link  
34 between the partnership, the executive director, and local entities.

35 (2) The board shall be appointed by October 1, 2007.

36 (3) The board shall consist of the following:

1 (a) One representative from the geographic area of each of the  
2 fourteen salmon recovery areas;

3 (b) One representative from a statewide association representing  
4 general business interests;

5 (c) One representative from an organization representing the  
6 interests of the environmental community; and

7 (d) Two at-large representatives.

8 (4) In addition, the governor shall invite full participation on  
9 the board by three representatives of tribal governments located in the  
10 Puget Sound basin.

11 (5)(a) Representatives designated in subsection (3)(a) of this  
12 section:

13 (i) Shall be appointed by the council. The council shall solicit  
14 nominations from, at a minimum, counties, cities, and watershed groups;  
15 and

16 (ii) May only be removed by the council.

17 (b) At least six of the representatives designated in subsection  
18 (3)(a) of this section shall be locally elected public officials.

19 (6) The representatives appointed in subsection (3)(b) and (c) of  
20 this section:

21 (a) Must be appointed by the council;

22 (b) May only be removed by the council; and

23 (c) May only be replaced by the council.

24 (7) The at-large representatives:

25 (a) Must be appointed by the governor;

26 (b) May only be removed by the governor; and

27 (c) May only be replaced by the governor.

28 (8) The board shall elect one of its members as chair, and one of  
29 its members as vice-chair.

30 (9) A majority of the board constitutes a quorum for the  
31 transaction of business, with the following condition: At least one of  
32 the quorum members must be the chair or the vice-chair.

33 (10) Board decisions and actions require majority vote of all  
34 voting board members, except for nominations of the committee, which  
35 require approval of fourteen board members.

36 (11)(a) The board shall have one nonvoting ex officio member from  
37 each of the following:

38 (i) The department of ecology;

1 (ii) The department of fish and wildlife;  
2 (iii) The department of health;  
3 (iv) The department of community, trade, and economic development;  
4 and

5 (v) Each of the two major caucuses of the house of representatives  
6 and each of the two major caucuses of the senate, appointed  
7 respectively by the speaker of the house of representatives and the  
8 president of the senate.

9 (b) In addition to ex officio members representing the state, the  
10 council shall also invite the participation of one representative of  
11 the federal government as a nonvoting ex officio member.

12 (c) The commissioner of public lands shall designate one person  
13 from the commissioner's agency, other than the commissioner, to be a  
14 nonvoting ex officio member.

15 (d) Except for legislative members, nonvoting ex officio members in  
16 (a) of this subsection shall be nominated by their respective  
17 organizations.

18 (e) Except for legislative members and the designee of the  
19 commissioner of public lands, nonvoting ex officio members:

20 (i) Shall be appointed by the council; and

21 (ii) May be removed by the council.

22 NEW SECTION. **Sec. 8.** COORDINATION BOARD--POWERS AND DUTIES. (1)  
23 The board shall assist cities, counties, ports, tribes, watershed  
24 groups, and other governmental and private organizations to:

25 (a) Incorporate local plans into the action agenda;

26 (b) Provide feedback from local entities to the council;

27 (c) Educate the public about the threats to Puget Sound and about  
28 local implementation strategies to support the Puget Sound action  
29 agenda; and

30 (d) Ensure that scientific and technical expertise is available to  
31 local action agenda implementors.

32 (2) The board shall identify the cities', counties', ports',  
33 tribes', watershed groups', and other governmental and private  
34 organizations' capabilities and financial constraints, and communicate  
35 those determinations to the council and to the executive director.

36 (3) The board shall disseminate regional and basin-wide plans  
37 devised by or approved by the partnership, in accordance with the

1 agenda, to cities, counties, ports, tribes, watershed groups, and other  
2 governmental and private organizations, and may assist these entities  
3 in implementing the plans.

4 (4) The board shall seek the active involvement of local  
5 governments, organizations, businesses, and residents within the Puget  
6 Sound region.

7 (5) By September 2008, the board shall advise the council and the  
8 executive director on how to incorporate local plans and projects into  
9 a Sound-wide set of activities that can be incorporated into the action  
10 agenda. The board shall also recommend priorities for local activities  
11 based on their contribution to Puget Sound health. During the  
12 development of the priorities, the board shall hold public meetings in  
13 various parts of the Puget Sound to solicit public comments.

14 (6) The board may work with local entities to integrate local plans  
15 into regional-scale plans.

16 (7) Representatives from each of the fourteen geographic salmon  
17 recovery areas shall solicit input from cities, counties, tribes, and  
18 existing watershed groups in their respective salmon recovery areas to  
19 identify existing plans within the region that address or affect the  
20 health of Puget Sound, including listed species recovery plans,  
21 watershed-based resource plans, local government land use plans, and  
22 marine resource committee plans.

23 (8) In developing and implementing the action agenda, the council  
24 and the executive director must confer with and solicit input from the  
25 board and, to the maximum extent possible, shall incorporate the  
26 recommendations of the board.

27 NEW SECTION. **Sec. 9.** PUGET SOUND SCIENCE ADVISORY COMMITTEE. (1)  
28 By no later than November 1, 2007, the council shall create a nine  
29 member Puget Sound science advisory committee to advise the council.

30 (2)(a) In establishing the committee, the council shall request the  
31 Washington academy of sciences, created in chapter 70.220 RCW, to  
32 nominate fifteen scientists with recognized expertise in fields of  
33 science essential to the recovery of Puget Sound.

34 (b) Scientists nominated by the Washington academy of sciences may  
35 represent expertise in fields of science such as water quality, wetland  
36 ecology, species recovery, environmental toxicology, geology, ecology,

1 biology, limnology, wildlife management and biology, environmental  
2 engineering, hydrology, oceanography, environmental sciences,  
3 environmental economics, and social sciences.

4 (c) At a minimum, the Washington academy of sciences shall consider  
5 making nominations from scientists associated with federal and state  
6 agencies, the business and environmental communities, members of the K-  
7 12, college, and university communities, and members of the board.

8 (d) Scientists nominated by the Washington academy of sciences must  
9 disclose sources of current financial support and contractual  
10 relationships, and all existing and anticipated conflicts on interests  
11 including, but not limited to, financial gains resulting from work  
12 performed as a member of the Puget Sound science advisory committee or  
13 a financial or advisory relationship with any member of the leadership  
14 council or the executive director.

15 (3) The committee shall select a chair, who shall serve as a  
16 nonvoting ex officio member of the council.

17 (4) Members of the council shall be reimbursed for travel expenses  
18 under RCW 43.03.050 and 43.03.060, and based upon the availability of  
19 funds, the council may contract with members of the committee for  
20 compensation for their services under chapter 39.29 RCW. If appointees  
21 to the committee are employed by the federal, state, or local  
22 governments, the council may enter into interagency personnel  
23 agreements.

24 (5) By April 15, 2008, or as soon as possible thereafter, the  
25 committee shall recommend to the council suggested environmental  
26 indicators and time-bound benchmarks to meet the goal of recovering the  
27 Puget Sound by the year 2020.

28 NEW SECTION. **Sec. 10.** PUGET SOUND SCIENCE ADVISORY COMMITTEE--  
29 FUNCTIONS AND DUTIES. (1) The committee should collaborate with other  
30 scientific groups and consult other scientists in conducting its work.

31 (2) The committee shall:

32 (a) Advise the council and the executive director in carrying out  
33 the obligations of the partnership;

34 (b) Assist the council and the executive director in developing and  
35 regularly updating or revising the action agenda and, as deemed  
36 appropriate by the committee, recommend updates to the action agenda on  
37 new scientific information;

1 (c) Provide advice, review, and assistance to the executive  
2 director in the development of a strategic science program, as provided  
3 in section 23 of this act;

4 (d) Provide advice, review, and assistance to the executive  
5 director in the development of a biennial science work plan, as  
6 provided in section 25 of this act;

7 (e) Provide advice, review, and assistance to the executive  
8 director in the development of a Puget Sound science update, as  
9 described in section 24 of this act;

10 (f) Provide advice, review, and assistance to the executive  
11 director in the development of the action agenda, as described in  
12 section 13 of this act;

13 (g) Assist the council and the executive director with the  
14 development of the 2020 plan in a manner consistent with the action  
15 agenda goals; and

16 (h) Provide an ecosystem-wide perspective on the science work being  
17 competed by the partnership.

18 (3) The committee may develop recommendations for the biennial  
19 science work plan developed by the executive director pursuant to  
20 section 25 of this act that includes, at a minimum:

21 (a) The identification of appropriate recommendations from  
22 scientific and technical reports relating to Puget Sound; and

23 (b) A description of the Puget Sound science-related activities  
24 being conducted by various entities in the Puget Sound region,  
25 including models, research, and other appropriate activities.

26 NEW SECTION. **Sec. 11.** ACTION AGENDA--VISION. The action agenda  
27 that is to be implemented under this chapter shall strive to achieve  
28 the following visions:

29 (1) A healthy human population supported by a healthy Puget Sound  
30 that is not threatened by changes in the ecosystem;

31 (2) A quality of human life that is sustained by a functioning  
32 Puget Sound ecosystem;

33 (3) Healthy and sustaining populations of native species in Puget  
34 Sound, including a robust food web;

35 (4) A healthy Puget Sound where freshwater, estuary, near shore,  
36 marine, and upland habitats are protected, restored, and sustained;

1 (5) An ecosystem that is supported by ground water levels as well  
2 as river and stream flow levels sufficient to sustain people, fish, and  
3 wildlife, and the natural functions of the environment;

4 (6) Fresh and marine waters and sediments of a sufficient quality  
5 so that the waters in the region are safe for drinking, swimming, and  
6 other human uses and enjoyment, and are not harmful to the native  
7 marine mammals, fish, birds, and shellfish of the region.

8 NEW SECTION. **Sec. 12.** ACTION AGENDA--GOALS. (1) Action agenda  
9 goals shall be determined by the council, and shall be in accordance  
10 with the visions, as provided in section 11 of this act.

11 (2) The action agenda goals shall be reflected in the  
12 implementation of the action agenda.

13 NEW SECTION. **Sec. 13.** ACTION AGENDA--DEVELOPMENT. (1) In  
14 developing the action agenda, the council shall consider and use  
15 appropriate portions of the Puget Sound water quality management plan  
16 existing on the effective date of this section.

17 (2) Until the action agenda is adopted, the existing Puget Sound  
18 management plan and the 2007-09 Puget Sound biennial plan shall remain  
19 in effect. The existing Puget Sound management plan shall also  
20 continue to serve as the comprehensive conservation and management plan  
21 for the purposes of the national estuary program described in section  
22 320 of the federal clean water act, until replaced by the action agenda  
23 and approved by the United States environmental protection agency as  
24 the new comprehensive conservation and management plan.

25 (3) The action agenda shall rely on a strong science foundation.

26 (4) The partnership shall incorporate existing watershed plans  
27 created by, but not limited to, local governments, watershed groups,  
28 and marine and shoreline groups. Watershed works and plans include:

29 (a) Existing watershed projects;

30 (b) Watershed programs;

31 (c) Watershed plans; and

32 (d) Other watershed works and plans related to water quality, water  
33 quantity, or habitat restoration.

34 (5) The partnership shall incorporate existing plans and agreements  
35 signed by the governor, the commissioner of public lands, other state  
36 officials, or by federal agencies when developing the action agenda.



1 (6) The action agenda shall:

2 (a) Describe the problems affecting Puget Sound's health using

3 supporting scientific data;

4 (b) Set goals, strategic priorities, and measurable outcomes

5 specifically describing what will be achieved, how it will be

6 quantified, how progress towards outcomes will be measured, and time-

7 bound benchmarks that specify the targeted steps needed to reach a

8 healthy Puget Sound by 2020, consistent with the visions, as provided

9 in section 11 of this act;

10 (c) Identify and prioritize the strategies and actions necessary to

11 restore and protect the Puget Sound;

12 (d) Identify the agency, entity, or person responsible for

13 completing the necessary action and potential sources of funding; and

14 (e) Establish deadlines for the completion of the necessary actions

15 describing where achieving certain goals will require timelines beyond

16 2020 to achieve.

17 (7) The action agenda shall also:

18 (a) Address all geographic areas of Puget Sound, including upland

19 areas and tributary rivers and streams that affect Puget Sound.

20 Specific action agenda sections may address specific geographic areas

21 of Puget Sound;

22 (b) Include a specific plan to address aquatic rehabilitation zone

23 one, as defined in RCW 90.88.010;

24 (c) Evaluate the effectiveness and efficiency of the overall

25 management system for the improvement and maintenance of the health of

26 the Puget Sound ecosystem;

27 (d) Review, revise as needed, and incorporate as they are

28 developed, the council's ecosystem goals and quantifiable measures;

29 (e) Establish near-term and long-term benchmarks that demonstrate

30 progress in achieving action agenda goals, and that describe how

31 progress will be tracked through clear and quantifiable measures that

32 are included in the action agenda;

33 (f) Integrate the recovery plans for salmon, orca, and other

34 species in Puget Sound listed under the federal endangered species act,

35 while working collaboratively with the Hood Canal coordinating council

36 in chapter 90.88 RCW on Hood Canal-specific issues;

37 (g) Integrate, where appropriate, provisions of water quantity,

38 watershed, marine resource, and other watershed plans; and

1 (h) Incorporate appropriate actions to carry out the science work  
2 plan.

3 (8) When a state, local, or federal entity identifies a statute,  
4 rule, or ordinance that conflicts with the requirements of, or an  
5 impediment to the implementation of, the action agenda, the council  
6 shall evaluate the merits of conflict or impediment and make necessary  
7 recommendations to the agency, governor, legislature, local government,  
8 or other appropriate entity for addressing and resolving the conflict  
9 or impediment.

10 (9) By September 1, 2008, the council shall adopt the action  
11 agenda. After the adoption of the initial action agenda, the council  
12 shall revise the action agenda every six years using an adaptive  
13 management process informed by tracking actions and monitoring results  
14 in the Puget Sound. The council shall provide opportunity for public  
15 review and comment on the proposed action agenda and subsequent  
16 revisions.

17 (10) The council shall involve the board early in the development  
18 of the action agenda and all subsequent revisions. The council and the  
19 board shall jointly develop a schedule for board review of the proposed  
20 action agenda or revisions.

21 (11) The action agenda shall be organized and maintained in a  
22 single document to facilitate public accessibility to the plan.

23 NEW SECTION. **Sec. 14.** TECHNICAL ASSISTANCE. The partnership  
24 shall work with and assist local entities, including local governments,  
25 watershed groups, ports, tribes, and marine and shoreline groups.  
26 Assistance may include:

- 27 (1) Providing technical assistance and guidance;
- 28 (2) Reviewing, suggesting modifications to, implementing, measuring  
29 results of, or providing additional funds, such as grants and loans, to  
30 existing programs, projects, plans, and efforts, such as for:
  - 31 (a) Local salmon recovery;
  - 32 (b) Shoreline restoration and protection;
  - 33 (c) Water quality improvement; and
  - 34 (d) Water quantity plans;
- 35 (3) Identifying environmental research and data gaps;
- 36 (4) Helping prioritize environmental needs;

1 (5) Funding new projects and programs that narrow environmental  
2 research and data gaps;

3 (6) Fostering action and results at the community level;

4 (7) Expanding public understanding and coordinating educational  
5 efforts consistent with the action agenda;

6 (8) Supporting and coordinating with organizations to provide  
7 volunteer opportunities; and

8 (9) Integrating the groups' efforts with the basin-wide restoration  
9 activities consistent with the action agenda.

10 NEW SECTION. **Sec. 15.** DEVELOPMENT OF BIENNIAL BUDGET REQUESTS.

11 (1) State agencies specifically responsible for implementing elements  
12 of the action agenda shall:

13 (a) Provide to the partnership by June 1st of each even-numbered  
14 year their estimates of the actions and the level of effort needed for  
15 the forthcoming biennium to meet the goals, outcomes, targets, and  
16 benchmarks developed by the partnership in the action agenda; and

17 (b) Work with the partnership in the development of biennial budget  
18 requests directly related to achieving consistency with the action  
19 agenda to be submitted to the governor for consideration in the  
20 governor's biennial budget request. The agencies shall seek the  
21 concurrence of the partnership in the proposed funding levels and  
22 sources included in this proposed budget.

23 (2) If a state agency submits an amount different from that  
24 developed in subsection (1)(a) of this section as part of its biennial  
25 budget request, the partnership and state agency shall jointly identify  
26 the differences and the reasons for these differences and present this  
27 information to the office of financial management by October 1st of  
28 each even-numbered year.

29 (3) By September 1, 2008, and by September 1st every two years  
30 thereafter, the council shall provide to the governor and the  
31 appropriate fiscal and policy committees of the senate and house of  
32 representatives its recommendations for the funding necessary to  
33 implement the action agenda, in order to achieve the 2020 goals of this  
34 chapter. The recommendations shall:

35 (a) Identify funding needs by plan element and identify the time  
36 periods in which specific funding is needed;

1 (b) Address funding responsibilities among local, state, and  
2 federal governments, as well as nongovernmental funding;

3 (c) Assess and evaluate availability of funding from existing  
4 sources;

5 (d) Identify gaps between funding needs and funds available from  
6 existing sources; and

7 (e) Propose and develop a detailed financing strategy to secure  
8 stable, long-term, and sufficient funding throughout the time periods  
9 for plan implementation, including proposals for new, broad-based  
10 sources of funding that will fill the funding gaps, as identified in  
11 this subsection.

12 (4) The funding recommendation reports, as provided in subsection  
13 (3) of this section, must be available to the public before a budget  
14 request is made.

15 NEW SECTION. **Sec. 16.** ACTIVITIES OF NONSTATE ENTITIES. (1) The  
16 legislature intends for all local, state, and federal governmental  
17 entities to act in conformance with the action agenda as adopted by the  
18 council. Good cause for a governmental entity's nonconformance exists  
19 if there is a lack of legal authority or a lack of funding despite  
20 documented good faith efforts taken to obtain necessary funding.

21 (2) The council shall review actions, where appropriate, of any  
22 nonstate entity performing Puget Sound-related actions that are not  
23 subject to a performance agreement. If the partnership determines that  
24 an entity's actions are inconsistent with the plan, the partnership  
25 shall offer technical assistance to the entity for the purpose of  
26 bringing the entity into conformance with the plan.

27 (3) In consultation with the committee, the council shall select at  
28 least one of the existing programs in every progress report and assess  
29 that program's efficacy and expenditures devoted to Puget Sound  
30 protection and recovery for consistency with the action agenda.

31 NEW SECTION. **Sec. 17.** PUGET SOUND PARTNERS. (1) Cities,  
32 counties, special districts, and other local governmental entities that  
33 operate in conformance with the action agenda, as provided in section  
34 16 of this act, shall be designated by the partnership as a Puget Sound  
35 partner.

1 (2) Except for grant preferences specifically designated by the  
2 legislature, there shall be no punitive or corrective penalty assessed  
3 by the partnership, or any differential treatment given by the  
4 partnership, for a city, county, special district, or other  
5 governmental entity that is not designated as a Puget Sound partner.

6 NEW SECTION. **Sec. 18.** FUNDING FROM PARTNERSHIP--ACCOUNTABILITY.

7 (1) Any funding made available directly to the partnership from the  
8 Puget Sound recovery account created in section 27 of this act and used  
9 by the partnership for grants or funding transfers to other entities  
10 shall be prioritized according to the action agenda developed pursuant  
11 to section 13 of this act.

12 (2) The partnership shall condition, with interagency agreements,  
13 any grants or funding transfers to other entities to ensure  
14 accountability in the expenditure of the funds and to ensure that the  
15 funds are used by the recipient entity in the manner determined by the  
16 partnership to be the most consistent with the priorities of the action  
17 agenda. Any conditions placed on federal funding under this section  
18 shall either incorporate, or not run counter to, signed agreements  
19 between the entity and the federal government.

20 (3) If the partnership finds that the provided funding was not used  
21 as instructed in the interagency agreement, the partnership may suspend  
22 or further condition future funding to the recipient entity.

23 (4) Any entity directly or indirectly receiving funding from the  
24 partnership that is not subject to disclosure under chapter 42.56 RCW  
25 must, as a mandatory contractual prerequisite to receiving the funding,  
26 agree to disclose any information in regards to that funding as if the  
27 entity were subject to the requirements of chapter 42.56 RCW.

28 NEW SECTION. **Sec. 19.** FUNDING--INTERAGENCY AGREEMENTS--

29 PERFORMANCE REQUIREMENTS. (1)(a) Except as otherwise provided in this  
30 section, funds identified by the partnership in section 15 of this act  
31 and appropriated in the 2009-2011 biennium and thereafter, in the form  
32 of a proviso in the omnibus appropriations act, directly to a state  
33 agency other than the partnership specifically for implementation of  
34 the action agenda and specifically mentioning the partnership, shall  
35 not be expended before an interagency agreement is entered between the  
36 partnership and the state agency to which the funds are appropriated.

1 (b) To avoid delays in expending funds required under this section  
2 to be conditional on the execution of an interagency agreement, the  
3 partnership shall attempt to provide draft performance agreements at  
4 least sixty days before the beginning of the biennium.

5 (2) The office of financial management may approve expenditure of  
6 funds under this section prior to the execution of an interagency  
7 agreement, if it determines that accelerating the expenditure would be  
8 beneficial to accomplishing the action agenda developed pursuant to  
9 section 13 of this act.

10 NEW SECTION. **Sec. 20.** STATE OF THE SOUND REPORT. (1) The  
11 partnership shall submit an initial performance report to the governor  
12 and to the appropriate legislative committees in September 2010, and  
13 additional biennial reports, to be known as the state of the Sound  
14 report, in September every two years thereafter.

15 (2) The state of the Sound report shall, at a minimum:

16 (a) Assess progress made by state and nonstate entities on progress  
17 made towards completion of the action agenda adopted under section 13  
18 of this act;

19 (b) Assess whether entities that have received state funds for  
20 actions related to the action agenda have accomplished the expected  
21 results;

22 (c) Identify instances where entities have been found to be acting  
23 in a manner inconsistent with the action agenda, how the actions are  
24 inconsistent with the action agenda, and what steps the partnership has  
25 taken to encourage conformance with the action agenda;

26 (d) Identify instances where nonstate entities have refused  
27 technical assistance under section 16 of this act;

28 (e) Report the results of the monitoring of the performance  
29 measures provided in section 21 of this act, including whether the  
30 entity receiving funds satisfied the performance measures identified in  
31 an interagency agreement;

32 (f) Identify recommended changes to statutes identified by the  
33 process outlined in section 21(3) of this act;

34 (g) Review the expenditure of funds provided to state agencies that  
35 are not included in sections 18 and 19 of this act and are used for the  
36 implementation of the growth management act, the shoreline management  
37 act, storm water permitting, or designated from the toxics control

1 accounts created in RCW 70.105D.070, the public works assistance  
2 account created in RCW 43.155.050, the water quality account created in  
3 RCW 70.146.030, or environmental mitigation funding from the department  
4 of transportation, to determine whether the use of the funds is  
5 consistent with the action agenda; and

6 (h) Identify all funds provided to the partnership, and  
7 recommendations as to how future state expenditures for all entities,  
8 including the partnership, could better match the priorities of the  
9 action agenda.

10 (3) The state of the Sound report shall include, at a minimum,  
11 entities and funds identified in sections 15, 18, and 19 of this act.

12 NEW SECTION. **Sec. 21.** PERFORMANCE MEASURES. (1) The partnership  
13 shall monitor the performance measures:

14 (a) Included in any interagency agreement entered into pursuant to  
15 sections 16 through 19 of this act; and

16 (b) Associated with the programs stipulated in section 20(2)(g) of  
17 this act.

18 (2)(a) Before the end of the biennium for which funds identified in  
19 this section are authorized, the partnership may provide advice and  
20 recommendations to the recipient entity as to how the funding provided  
21 by the legislature can best satisfy the goals of the action agenda.

22 (b) If the partnership concludes that the entity receiving the  
23 funds failed to satisfy the performance measures identified in the  
24 interagency agreement, then the partnership shall:

25 (i) Identify the reasons why the entity was unable to satisfy the  
26 performance measures; and

27 (ii) Recommend to the governor and to the appropriate committees of  
28 the legislature other options to achieve plan-related results with the  
29 same funds.

30 (3) If a performance measure was not able to be satisfied because  
31 of a state law or rule or an agency or local policy, then the  
32 partnership shall make recommendations to the governor and the  
33 appropriate committees of the legislature, or other appropriate  
34 entities, to sponsor legislation or changes to the Washington  
35 Administrative Code or agency or local policy addressing the barrier.  
36 The partnership shall, when deemed appropriate by the partnership,

1 include with these recommendations any recommendations developed under  
2 section 20(2)(h) of this act.

3 NEW SECTION. **Sec. 22.** PERFORMANCE AUDIT. (1) The joint  
4 legislative audit and review committee shall conduct a performance  
5 audit of the partnership beginning April 1, 2011, and again in April  
6 2016, to be completed within six months of the initiation of the audit  
7 and reported a reasonable time thereafter.

8 (2) The audits shall include, but not be limited to:

9 (a) A determination of the extent to which funds expended as  
10 provided in sections 18 and 19 of this act have contributed to progress  
11 toward meeting scientific benchmarks and to the restoration of Puget  
12 Sound; and

13 (b) A determination of the efficiency and effectiveness of the  
14 partnership's oversight of action agenda implementation. For purposes  
15 of this subsection (2), the partnership includes:

- 16 (i) The leadership council;
- 17 (ii) The executive director's staff;
- 18 (iii) The board;
- 19 (iv) The committee; and
- 20 (v) Other subcommittees, advisory committees, and nonprofit  
21 organizations the council may create.

22 (3) If a review determines that there has been insufficient  
23 progress toward meeting the benchmarks in a timely manner relative to  
24 the 2020 goal or that funds expended have not achieved expected  
25 results, the joint legislative and audit review committee shall include  
26 in its report:

27 (a) Recommendations on how to improve the partnership's efficiency  
28 and effectiveness regarding its ability to hold accountable those  
29 entities responsible for action agenda results; and

30 (b) Whether the partnership should be restructured by the 2011  
31 legislature or legislatures thereafter.

32 (4) The executive director must provide any partnership materials  
33 to the joint legislative audit and review committee upon request.

34 (5) The partnership shall use the reports generated by the joint  
35 legislative audit and review committee under this section as a basis  
36 for recommended changes to successfully achieve the action agenda goals



1 by 2020. Recommended changes may include, but are not limited to,  
2 changes to:

- 3 (a) The action agenda;
- 4 (b) Funding proposals and budget requests to the governor and the  
5 legislature; and
- 6 (c) The structure of the partnership itself.

7 NEW SECTION. **Sec. 23.** STRATEGIC SCIENCE PROGRAM. (1) The  
8 executive director shall develop a strategic science program, with the  
9 advice, review, and assistance of the committee.

10 (2) The strategic science program may include:

- 11 (a) Continuation of the Puget Sound assessment and monitoring  
12 program, as provided in RCW 90.71.060, as well as other monitoring  
13 programs deemed appropriate by the executive director;
- 14 (b) Additional provisions of the research and modeling program to  
15 be incorporated as an element of the action agenda; and
- 16 (c) A monitoring program, including baselines, protocols,  
17 guidelines, and quantifiable performance measures.

18 NEW SECTION. **Sec. 24.** PUGET SOUND SCIENCE UPDATE--ASSESSMENT OF  
19 OVERALL SUCCESS. (1) The Puget Sound science update shall be produced  
20 by the executive director, with assistance from the committee. The  
21 update shall:

- 22 (a) Describe the current scientific understanding of various  
23 physical attributes of Puget Sound;
- 24 (b) Serve as the scientific basis for the selection of  
25 environmental indicators measuring the health of Puget Sound; and
- 26 (c) Serve as the scientific basis for the status and trends of  
27 those environmental indicators within the ecosystem framework.

28 (2) The executive director shall submit the Puget Sound science  
29 update to the Washington academy of sciences, to the governor, and to  
30 the appropriate legislative committees. The initial update shall be  
31 submitted by April 2013, with subsequent updates occurring as necessary  
32 to reflect new scientific understandings.

33 (3) The Washington academy of sciences shall conduct an assessment  
34 of basin-wide restoration progress. The assessment shall include, but  
35 not be limited to:

1 (a) A determination of the extent to which implementation of the  
2 action agenda is making progress toward the action agenda goals; and

3 (b) A determination of whether the environmental indicators and  
4 benchmarks included in the action agenda accurately measure and reflect  
5 progress toward the action agenda goals.

6 (4) The Washington academy of sciences shall submit a report of its  
7 completed assessments by the April following the completion of the  
8 assessments.

9 (5) The partnership shall use the report, as provided in subsection  
10 (4) of this section, as a basis for recommended changes to successfully  
11 achieve the action agenda goals by 2020. Recommended changes may  
12 include, but are not limited to:

13 (a) The action agenda;

14 (b) The environmental indicators, as provided in this section; and

15 (c) Budget requests to the governor and legislature.

16 (6) The council shall submit the partnership's recommendations, as  
17 provided in subsection (5) of this section, to the governor and to the  
18 legislature by September 2014, and by September every six years  
19 thereafter.

20 NEW SECTION. **Sec. 25.** BIENNIAL SCIENCE WORK PLAN. (1) The  
21 executive director shall develop a biennial science work plan, with  
22 advice, review, and assistance provided by the council.

23 (2) The biennial science work plan shall include, at a minimum:

24 (a) Identification of recommendations from scientific and technical  
25 reports relating to Puget Sound;

26 (b) A description of the Puget Sound science-related activities  
27 being conducted by various entities in the region, including studies,  
28 models, monitoring, research, and other appropriate activities;

29 (c) A description of whether the ongoing work addresses the  
30 recommendations and, if not, identification of necessary actions to  
31 fill gaps;

32 (d) Identification of specific biennial science work actions to be  
33 done over the course of the work plan, and how these actions address  
34 science needs in Puget Sound; and

35 (e) Recommendations for improvements to the ongoing science work in  
36 Puget Sound.

1 (3) The biennial science work plan may include any recommendations  
2 developed by the committee under section 10 of this act if, in the  
3 judgment of the executive director, the inclusion of the  
4 recommendations is warranted.

5 NEW SECTION. **Sec. 26.** ACCOUNTABILITY. (1) The council shall be  
6 accountable for achieving the action agenda.

7 (2) The council, with assistance from the committee or from the  
8 Washington academy of sciences created in chapter 70.220 RCW, shall  
9 identify environmental indicators that accurately measure success of  
10 the action agenda goals.

11 (3) The council is responsible for measuring the environmental  
12 indicators, as provided in subsection (2) of this section, and shall  
13 report the results in the Puget Sound science update, as provided in  
14 section 24 of this act.

15 (4) The council shall apply accountability measures consistent with  
16 the assessment in RCW 43.17.390 to all levels of government and to any  
17 entity with responsibilities under the action agenda, including itself,  
18 to determine compliance with the action agenda and achievement of the  
19 results expected.

20 (5) The council shall work with the board to develop accountability  
21 measures for any entity having responsibilities under the action  
22 agenda, to determine compliance with the action agenda and achievement  
23 of the results expected. The council or the board shall also work with  
24 the entities themselves to identify additional accountability measures,  
25 including positive incentives and consequences for inaction.

26 (6) The partnership shall develop and submit to the legislature  
27 recommendations to enhance and phase-in local government accountability  
28 measures by September 20, 2008.

29 NEW SECTION. **Sec. 27.** The Puget Sound recovery account is created  
30 in the state treasury. All moneys appropriated to the Puget Sound  
31 partnership for state and nonstate entity plan implementation  
32 activities shall be deposited into the account. Grants, gifts, or  
33 other financial assistance received by the Puget Sound partnership from  
34 nonstate sources for the purposes of recovering Puget Sound may be  
35 deposited into the account. Moneys in the account may be spent only

1 after appropriation. Expenditures from the account may be used only  
2 for the purpose of implementing the action agenda.

3 NEW SECTION. **Sec. 28.** AUTHORITIES. (1) The partnership shall not  
4 have regulatory authority nor authority to transfer the responsibility  
5 for, or implementation of, any state regulatory program, unless  
6 otherwise specifically authorized by the legislature.

7 (2) State and local governments shall retain their own decision-  
8 making authority in implementing the action agenda consistent with  
9 current law.

10 NEW SECTION. **Sec. 29.** COMPENSATION AND REIMBURSEMENT. (1)  
11 Members of the council, including nonvoting ex officio members, shall  
12 be compensated in accordance with RCW 43.03.220 and be reimbursed for  
13 travel expenses in accordance with RCW 43.03.050 and 43.03.060.

14 (2) The salary of the executive director shall be set by the  
15 governor.

16 (3) Members of the board, including nonvoting ex officio members,  
17 shall be reimbursed for travel expenses in accordance with RCW  
18 43.03.050 and 43.03.060.

19 (4) Members of the committee who are employed by federal, state,  
20 and local governments shall serve without additional pay. Other  
21 members shall be compensated in accordance with RCW 43.03.240 and shall  
22 be entitled to reimbursement for travel expenses incurred in the  
23 performance of their duties as members of the committee in accordance  
24 with RCW 43.03.050 and 43.03.060.

25 NEW SECTION. **Sec. 30.** TRANSFER OF POWERS, DUTIES, AND FUNCTIONS--  
26 REFERENCES TO CHAIR OF THE PUGET SOUND ACTION TEAM. (1) The Puget  
27 Sound action team is hereby abolished and its powers, duties, and  
28 functions are hereby transferred to the Puget Sound partnership as  
29 consistent with this chapter. All references to the chair or the Puget  
30 Sound action team in the Revised Code of Washington shall be construed  
31 to mean the executive director or the Puget Sound partnership.

32 (2)(a) All employees of the Puget Sound action team are transferred  
33 to the jurisdiction of the Puget Sound partnership.

34 (b) All reports, documents, surveys, books, records, files, papers,  
35 or written material in the possession of the Puget Sound action team

1 shall be delivered to the custody of the Puget Sound partnership. All  
2 cabinets, furniture, office equipment, motor vehicles, and other  
3 tangible property employed by the Puget Sound action team shall be made  
4 available to the Puget Sound partnership. All funds, credits, or other  
5 assets held by the Puget Sound action team shall be assigned to the  
6 Puget Sound partnership.

7 (c) Any appropriations made to the Puget Sound action team shall,  
8 on the effective date of this section, be transferred and credited to  
9 the Puget Sound partnership.

10 (d) If any question arises as to the transfer of any personnel,  
11 funds, books, documents, records, papers, files, equipment, or other  
12 tangible property used or held in the exercise of the powers and the  
13 performance of the duties and functions transferred, the director of  
14 financial management shall make a determination as to the proper  
15 allocation and certify the same to the state agencies concerned.

16 (3) All rules and all pending business before the Puget Sound  
17 action team shall be continued and acted upon by the Puget Sound  
18 partnership. All existing contracts and obligations shall remain in  
19 full force and shall be performed by the Puget Sound partnership.

20 (4) The transfer of the powers, duties, functions, and personnel of  
21 the Puget Sound action team shall not affect the validity of any act  
22 performed before the effective date of this section.

23 (5) If apportionments of budgeted funds are required because of the  
24 transfers directed by this section, the director of financial  
25 management shall certify the apportionments to the agencies affected,  
26 the state auditor, and the state treasurer. Each of these shall make  
27 the appropriate transfer and adjustments in funds and appropriation  
28 accounts and equipment records in accordance with the certification.

29 (6) Nothing contained in this section may be construed to alter any  
30 existing collective bargaining unit or the provisions of any existing  
31 collective bargaining agreement until the agreement has expired or  
32 until the bargaining unit has been modified by action of the public  
33 employment relations commission as provided by law.

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

1       **Sec. 32.** RCW 90.71.100 and 2001 c 273 s 3 are each amended to read  
2 as follows:

3       (1) The (~~action team~~) department of health shall establish a  
4 shellfish - on-site sewage grant program in Puget Sound and for Pacific  
5 and Grays Harbor counties. The (~~action team~~) department of health  
6 shall provide funds to local health jurisdictions to be used as grants  
7 or loans to individuals for improving their on-site sewage systems.  
8 The grants or loans may be provided only in areas that have the  
9 potential to adversely affect water quality in commercial and  
10 recreational shellfish growing areas. A recipient of a grant or loan  
11 shall enter into an agreement with the appropriate local health  
12 jurisdiction to maintain the improved on-site sewage system according  
13 to specifications required by the local health jurisdiction. The  
14 (~~action team~~) department of health shall work closely with local  
15 health jurisdictions and shall endeavor to attain geographic equity  
16 between Grays Harbor, Willapa Bay, and the Puget Sound when making  
17 funds available under this program. For the purposes of this  
18 subsection, "geographic equity" means issuing on-site sewage grants or  
19 loans at a level that matches the funds generated from the oyster  
20 reserve lands in that area.

21       (2) In the Puget Sound, the (~~action team~~) department of health  
22 shall give first priority to areas that are:

23       (a) Identified as "areas of special concern" under WAC 246-272-  
24 01001; or

25       (b) Included within a shellfish protection district under chapter  
26 90.72 RCW.

27       (3) In Grays Harbor and Pacific counties, the (~~action team~~)  
28 department of health shall give first priority to preventing the  
29 deterioration of water quality in areas where commercial or  
30 recreational shellfish are grown.

31       (4) The (~~action team~~) department of health and each participating  
32 local health jurisdiction shall enter into a memorandum of  
33 understanding that will establish an applicant income eligibility  
34 requirement for individual grant applicants from within the  
35 jurisdiction and other mutually agreeable terms and conditions of the  
36 grant program.

37       (5) The (~~action team~~) department of health may recover the costs

1 to administer this program not to exceed ten percent of the shellfish  
2 - on-site sewage grant program.

3 ~~((6) For the 2001-2003 biennium, the action team may use up to~~  
4 ~~fifty percent of the shellfish on-site sewage grant program funds for~~  
5 ~~grants to local health jurisdictions to establish areas of special~~  
6 ~~concern under WAC 246-272-01001, or for operation and maintenance~~  
7 ~~programs therein, where commercial and recreational uses are present.))~~

8 NEW SECTION. **Sec. 33.** A new section is added to chapter 41.06 RCW  
9 to read as follows:

10 In addition to the exemptions under RCW 41.06.070, the provisions  
11 of this chapter shall not apply in the Puget Sound partnership to the  
12 executive director, to one confidential secretary, and to all  
13 professional staff.

14 **Sec. 34.** RCW 43.17.010 and 2006 c 265 s 111 are each amended to  
15 read as follows:

16 There shall be departments of the state government which shall be  
17 known as (1) the department of social and health services, (2) the  
18 department of ecology, (3) the department of labor and industries, (4)  
19 the department of agriculture, (5) the department of fish and wildlife,  
20 (6) the department of transportation, (7) the department of licensing,  
21 (8) the department of general administration, (9) the department of  
22 community, trade, and economic development, (10) the department of  
23 veterans affairs, (11) the department of revenue, (12) the department  
24 of retirement systems, (13) the department of corrections, (14) the  
25 department of health, (15) the department of financial institutions,  
26 (16) the department of archaeology and historic preservation, ~~((and))~~  
27 (17) the department of early learning, and (18) the Puget Sound  
28 partnership, which shall be charged with the execution, enforcement,  
29 and administration of such laws, and invested with such powers and  
30 required to perform such duties, as the legislature may provide.

31 **Sec. 35.** RCW 43.17.020 and 2006 c 265 s 112 are each amended to  
32 read as follows:

33 There shall be a chief executive officer of each department to be  
34 known as: (1) The secretary of social and health services, (2) the  
35 director of ecology, (3) the director of labor and industries, (4) the

1 director of agriculture, (5) the director of fish and wildlife, (6) the  
2 secretary of transportation, (7) the director of licensing, (8) the  
3 director of general administration, (9) the director of community,  
4 trade, and economic development, (10) the director of veterans affairs,  
5 (11) the director of revenue, (12) the director of retirement systems,  
6 (13) the secretary of corrections, (14) the secretary of health, (15)  
7 the director of financial institutions, (16) the director of the  
8 department of archaeology and historic preservation, (~~and~~) (17) the  
9 director of early learning, and (18) the executive director of the  
10 Puget Sound partnership.

11 Such officers, except the director of fish and wildlife, shall be  
12 appointed by the governor, with the consent of the senate, and hold  
13 office at the pleasure of the governor. The director of fish and  
14 wildlife shall be appointed by the fish and wildlife commission as  
15 prescribed by RCW 77.04.055.

16 **Sec. 36.** RCW 42.17.2401 and 2006 c 265 s 113 are each amended to  
17 read as follows:

18 For the purposes of RCW 42.17.240, the term "executive state  
19 officer" includes:

20 (1) The chief administrative law judge, the director of  
21 agriculture, the administrator of the Washington basic health plan, the  
22 director of the department of services for the blind, the director of  
23 the state system of community and technical colleges, the director of  
24 community, trade, and economic development, the secretary of  
25 corrections, the director of early learning, the director of ecology,  
26 the commissioner of employment security, the chair of the energy  
27 facility site evaluation council, the secretary of the state finance  
28 committee, the director of financial management, the director of fish  
29 and wildlife, the executive secretary of the forest practices appeals  
30 board, the director of the gambling commission, the director of general  
31 administration, the secretary of health, the administrator of the  
32 Washington state health care authority, the executive secretary of the  
33 health care facilities authority, the executive secretary of the higher  
34 education facilities authority, the executive secretary of the horse  
35 racing commission, the executive secretary of the human rights  
36 commission, the executive secretary of the indeterminate sentence  
37 review board, the director of the department of information services,



1 the director of the interagency committee for outdoor recreation, the  
2 executive director of the state investment board, the director of labor  
3 and industries, the director of licensing, the director of the lottery  
4 commission, the director of the office of minority and women's business  
5 enterprises, the director of parks and recreation, the director of  
6 personnel, the executive director of the public disclosure commission,  
7 the executive director of the Puget Sound partnership, the director of  
8 retirement systems, the director of revenue, the secretary of social  
9 and health services, the chief of the Washington state patrol, the  
10 executive secretary of the board of tax appeals, the secretary of  
11 transportation, the secretary of the utilities and transportation  
12 commission, the director of veterans affairs, the president of each of  
13 the regional and state universities and the president of The Evergreen  
14 State College, and each district and each campus president of each  
15 state community college;

16 (2) Each professional staff member of the office of the governor;

17 (3) Each professional staff member of the legislature; and

18 (4) Central Washington University board of trustees, board of  
19 trustees of each community college, each member of the state board for  
20 community and technical colleges, state convention and trade center  
21 board of directors, committee for deferred compensation, Eastern  
22 Washington University board of trustees, Washington economic  
23 development finance authority, The Evergreen State College board of  
24 trustees, executive ethics board, forest practices appeals board,  
25 forest practices board, gambling commission, life sciences discovery  
26 fund authority board of trustees, Washington health care facilities  
27 authority, each member of the Washington health services commission,  
28 higher education coordinating board, higher education facilities  
29 authority, horse racing commission, state housing finance commission,  
30 human rights commission, indeterminate sentence review board, board of  
31 industrial insurance appeals, information services board, interagency  
32 committee for outdoor recreation, state investment board, commission on  
33 judicial conduct, legislative ethics board, liquor control board,  
34 lottery commission, marine oversight board, Pacific Northwest electric  
35 power and conservation planning council, parks and recreation  
36 commission, ((~~personnel—appeals—board,~~)) board of pilotage  
37 commissioners, pollution control hearings board, public disclosure  
38 commission, public pension commission, shorelines hearing board, public

1 employees' benefits board, salmon recovery funding board, board of tax  
2 appeals, transportation commission, University of Washington board of  
3 regents, utilities and transportation commission, Washington state  
4 maritime commission, Washington personnel resources board, Washington  
5 public power supply system executive board, Washington State University  
6 board of regents, Western Washington University board of trustees, and  
7 fish and wildlife commission.

8 **Sec. 37.** RCW 77.85.090 and 2005 c 309 s 7 are each amended to read  
9 as follows:

10 (1) The southwest Washington salmon recovery region, whose  
11 boundaries are provided in chapter 60, Laws of 1998, is created.

12 (2) Lead entities within a salmon recovery region that agree to  
13 form a regional salmon recovery organization may be recognized by the  
14 salmon recovery office as a regional recovery organization. The  
15 regional recovery organization may plan, coordinate, and monitor the  
16 implementation of a regional recovery plan in accordance with RCW  
17 77.85.150. Regional recovery organizations existing as of July 24,  
18 2005, that have developed draft recovery plans approved by the  
19 governor's salmon recovery office by July 1, 2005, may continue to  
20 plan, coordinate, and monitor the implementation of regional recovery  
21 plans.

22 (3) Beginning January 1, 2008, the leadership council, created  
23 under chapter 90.71 RCW, shall serve as the regional salmon recovery  
24 organization for Puget Sound salmon species, except for the Hood Canal  
25 summer chum evolutionarily significant unit area. The Hood Canal  
26 coordinating council under chapter 90.88 RCW shall continue to serve as  
27 the regional salmon recovery organization for the Hood Canal summer  
28 chum evolutionarily significant unit area.

29 **Sec. 38.** RCW 70.220.040 and 2005 c 305 s 4 are each amended to  
30 read as follows:

31 (1) The academy shall investigate, examine, and report on any  
32 subject of science requested by the governor, the governor's designee,  
33 the Puget Sound partnership, or the legislature. The procedures for  
34 selecting panels of experts to respond to such requests shall be set  
35 forth in the bylaws or other appropriate operating guidelines. In  
36 forming review panels, the academy shall endeavor to assure that the

1 panel members have no conflicts of interest and that proposed panelists  
2 first disclose any advocacy positions or financial interest related to  
3 the questions to be addressed by the panel that the candidate has held  
4 within the past ten years.

5 (2) The governor shall provide funding to the academy for the  
6 actual expense of such investigation, examination, and reports. Such  
7 funding shall be in addition to state funding assistance to the academy  
8 in its initial years of operation as described in RCW 70.220.060.

9 **Sec. 39.** RCW 43.155.070 and 2001 c 131 s 5 are each amended to  
10 read as follows:

11 (1) To qualify for loans or pledges under this chapter the board  
12 must determine that a local government meets all of the following  
13 conditions:

14 (a) The city or county must be imposing a tax under chapter 82.46  
15 RCW at a rate of at least one-quarter of one percent;

16 (b) The local government must have developed a capital facility  
17 plan; and

18 (c) The local government must be using all local revenue sources  
19 which are reasonably available for funding public works, taking into  
20 consideration local employment and economic factors.

21 (2) Except where necessary to address a public health need or  
22 substantial environmental degradation, a county, city, or town planning  
23 under RCW 36.70A.040 must have adopted a comprehensive plan, including  
24 a capital facilities plan element, and development regulations as  
25 required by RCW 36.70A.040. This subsection does not require any  
26 county, city, or town planning under RCW 36.70A.040 to adopt a  
27 comprehensive plan or development regulations before requesting or  
28 receiving a loan or loan guarantee under this chapter if such request  
29 is made before the expiration of the time periods specified in RCW  
30 36.70A.040. A county, city, or town planning under RCW 36.70A.040  
31 which has not adopted a comprehensive plan and development regulations  
32 within the time periods specified in RCW 36.70A.040 is not prohibited  
33 from receiving a loan or loan guarantee under this chapter if the  
34 comprehensive plan and development regulations are adopted as required  
35 by RCW 36.70A.040 before submitting a request for a loan or loan  
36 guarantee.

1 (3) In considering awarding loans for public facilities to special  
2 districts requesting funding for a proposed facility located in a  
3 county, city, or town planning under RCW 36.70A.040, the board shall  
4 consider whether the county, city, or town planning under RCW  
5 36.70A.040 in whose planning jurisdiction the proposed facility is  
6 located has adopted a comprehensive plan and development regulations as  
7 required by RCW 36.70A.040.

8 (4) The board shall develop a priority process for public works  
9 projects as provided in this section. The intent of the priority  
10 process is to maximize the value of public works projects accomplished  
11 with assistance under this chapter. The board shall attempt to assure  
12 a geographical balance in assigning priorities to projects. The board  
13 shall consider at least the following factors in assigning a priority  
14 to a project:

15 (a) Whether the local government receiving assistance has  
16 experienced severe fiscal distress resulting from natural disaster or  
17 emergency public works needs;

18 (b) Except as otherwise conditioned by section 40 of this act,  
19 whether the local government receiving assistance is designated as a  
20 Puget Sound partner, as that term is defined in RCW 90.71.010, and  
21 whether the project sponsored by the Puget Sound partner is included in  
22 the action agenda adopted by the Puget Sound partnership under section  
23 13 of this act;

24 (c) Whether the project is critical in nature and would affect the  
25 health and safety of a great number of citizens;

26 ~~((e))~~ (d) The cost of the project compared to the size of the  
27 local government and amount of loan money available;

28 ~~((d))~~ (e) The number of communities served by or funding the  
29 project;

30 ~~((e))~~ (f) Whether the project is located in an area of high  
31 unemployment, compared to the average state unemployment;

32 ~~((f))~~ (g) Whether the project is the acquisition, expansion,  
33 improvement, or renovation by a local government of a public water  
34 system that is in violation of health and safety standards, including  
35 the cost of extending existing service to such a system;

36 ~~((g))~~ (h) The relative benefit of the project to the community,  
37 considering the present level of economic activity in the community and

1 the existing local capacity to increase local economic activity in  
2 communities that have low economic growth; and

3 ~~((h))~~ (i) Other criteria that the board considers advisable.

4 (5) Existing debt or financial obligations of local governments  
5 shall not be refinanced under this chapter. Each local government  
6 applicant shall provide documentation of attempts to secure additional  
7 local or other sources of funding for each public works project for  
8 which financial assistance is sought under this chapter.

9 (6) Before November 1st of each year, the board shall develop and  
10 submit to the appropriate fiscal committees of the senate and house of  
11 representatives a description of the loans made under RCW 43.155.065,  
12 43.155.068, and subsection (9) of this section during the preceding  
13 fiscal year and a prioritized list of projects which are recommended  
14 for funding by the legislature, including one copy to the staff of each  
15 of the committees. The list shall include, but not be limited to, a  
16 description of each project and recommended financing, the terms and  
17 conditions of the loan or financial guarantee, the local government  
18 jurisdiction and unemployment rate, demonstration of the jurisdiction's  
19 critical need for the project and documentation of local funds being  
20 used to finance the public works project. The list shall also include  
21 measures of fiscal capacity for each jurisdiction recommended for  
22 financial assistance, compared to authorized limits and state averages,  
23 including local government sales taxes; real estate excise taxes;  
24 property taxes; and charges for or taxes on sewerage, water, garbage,  
25 and other utilities.

26 (7) The board shall not sign contracts or otherwise financially  
27 obligate funds from the public works assistance account before the  
28 legislature has appropriated funds for a specific list of public works  
29 projects. The legislature may remove projects from the list  
30 recommended by the board. The legislature shall not change the order  
31 of the priorities recommended for funding by the board.

32 (8) Subsection (7) of this section does not apply to loans made  
33 under RCW 43.155.065, 43.155.068, and subsection (9) of this section.

34 (9) Loans made for the purpose of capital facilities plans shall be  
35 exempted from subsection (7) of this section.

36 (10) To qualify for loans or pledges for solid waste or recycling  
37 facilities under this chapter, a city or county must demonstrate that

1 the solid waste or recycling facility is consistent with and necessary  
2 to implement the comprehensive solid waste management plan adopted by  
3 the city or county under chapter 70.95 RCW.

4 (11) Any project designed to address the effects of storm water or  
5 wastewater on Puget Sound may be funded under this section only if the  
6 project is consistent with the action agenda adopted by the Puget Sound  
7 partnership under section 13 of this act.

8 NEW SECTION. Sec. 40. A new section is added to chapter 43.155  
9 RCW to read as follows:

10 In developing a priority process for public works projects under  
11 RCW 43.155.070, the board shall give preferences only to Puget Sound  
12 partners, as defined in RCW 90.71.010, over other entities that are  
13 eligible to be designated as Puget Sound partners under chapter 90.71  
14 RCW. Entities that are not eligible to be a Puget Sound partner, due  
15 to geographic location, composition, exclusion from the scope of the  
16 Puget Sound action agenda developed under section 13 of this act, or  
17 for any other reason, shall not be given less preferential treatment  
18 than Puget Sound partners.

19 **Sec. 41.** RCW 70.146.070 and 1999 c 164 s 603 are each amended to  
20 read as follows:

21 (1) When making grants or loans for water pollution control  
22 facilities, the department shall consider the following:

23 (a) The protection of water quality and public health;

24 (b) The cost to residential ratepayers if they had to finance water  
25 pollution control facilities without state assistance;

26 (c) Actions required under federal and state permits and compliance  
27 orders;

28 (d) The level of local fiscal effort by residential ratepayers  
29 since 1972 in financing water pollution control facilities;

30 (e) Except as otherwise conditioned by section 42 of this act,  
31 whether the applicant is designated as a Puget Sound partner, as  
32 defined in RCW 90.71.010, and whether the project sponsored by the  
33 Puget Sound partner is included in the action agenda adopted by the  
34 Puget Sound partnership under section 13 of this act;

35 (f) The extent to which the applicant county or city, or if the  
36 applicant is another public body, the extent to which the county or

1 city in which the applicant public body is located, has established  
2 programs to mitigate nonpoint pollution of the surface or subterranean  
3 water sought to be protected by the water pollution control facility  
4 named in the application for state assistance; and

5 ~~((f))~~ (g) The recommendations of the Puget Sound ~~((action team))~~  
6 partnership created in section 3 of this act and any other board,  
7 council, commission, or group established by the legislature or a state  
8 agency to study water pollution control issues in the state.

9 (2) Except where necessary to address a public health need or  
10 substantial environmental degradation, a county, city, or town planning  
11 under RCW 36.70A.040 may not receive a grant or loan for water  
12 pollution control facilities unless it has adopted a comprehensive  
13 plan, including a capital facilities plan element, and development  
14 regulations as required by RCW 36.70A.040. This subsection does not  
15 require any county, city, or town planning under RCW 36.70A.040 to  
16 adopt a comprehensive plan or development regulations before requesting  
17 or receiving a grant or loan under this chapter if such request is made  
18 before the expiration of the time periods specified in RCW 36.70A.040.  
19 A county, city, or town planning under RCW 36.70A.040 which has not  
20 adopted a comprehensive plan and development regulations within the  
21 time periods specified in RCW 36.70A.040 is not prohibited from  
22 receiving a grant or loan under this chapter if the comprehensive plan  
23 and development regulations are adopted as required by RCW 36.70A.040  
24 before submitting a request for a grant or loan.

25 (3) Whenever the department is considering awarding grants or loans  
26 for public facilities to special districts requesting funding for a  
27 proposed facility located in a county, city, or town planning under RCW  
28 36.70A.040, it shall consider whether the county, city, or town  
29 planning under RCW 36.70A.040 in whose planning jurisdiction the  
30 proposed facility is located has adopted a comprehensive plan and  
31 development regulations as required by RCW 36.70A.040.

32 (4) Any project designed to address the effects of water pollution  
33 on Puget Sound may be funded under this chapter only if the project is  
34 consistent with the action agenda adopted by the Puget Sound  
35 partnership under section 13 of this act.

36 NEW SECTION. Sec. 42. A new section is added to chapter 70.146  
37 RCW to read as follows:

1           When making grants or loans for water pollution control facilities  
2 under RCW 70.146.070, the department shall give consideration only to  
3 Puget Sound partners in comparison to other entities that are eligible  
4 to be designated as Puget Sound partners under chapter 90.71 RCW.  
5 Entities that are not eligible to be a Puget Sound partner, due to  
6 geographic location, composition, exclusion from the scope of the Puget  
7 Sound action agenda developed under section 13 of this act, or for any  
8 other reason, shall not be given less preferential treatment than Puget  
9 Sound partners.

10           **Sec. 43.** RCW 89.08.520 and 2001 c 227 s 3 are each amended to read  
11 as follows:

12           (1) In administering grant programs to improve water quality and  
13 protect habitat, the commission shall:

14           (a) Require grant recipients to incorporate the environmental  
15 benefits of the project into their grant applications~~((τ))~~; and ~~((the~~  
16 ~~commission shall utilize))~~

17           (b) In its grant prioritization and selection process, consider the  
18 statement of environmental ~~((benefit[s] in its grant prioritization and~~  
19 ~~selection process.))~~ benefits and whether, except as conditioned by  
20 section 44 of this act, the applicant is designated as a Puget Sound  
21 partner, as defined in RCW 90.71.010, and whether the project sponsored  
22 by the Puget Sound partner is included in the action agenda adopted by  
23 the Puget Sound partnership under section 13 of this act.

24           (2)(a) The commission shall also develop appropriate outcome-  
25 focused performance measures to be used both for management and  
26 performance assessment of the grant program.

27           (b) The commission shall work with the districts to develop uniform  
28 performance measures across participating districts~~((τ))~~ and to the  
29 extent possible, the commission should coordinate its performance  
30 measure system with other natural resource-related agencies as defined  
31 in RCW 43.41.270. The commission shall consult with affected interest  
32 groups in implementing this section.

33           NEW SECTION. **Sec. 44.** A new section is added to chapter 89.08 RCW  
34 to read as follows:

35           When administering water quality and habitat protection grants  
36 under this chapter, the commission shall give consideration only to



1 Puget Sound partners in comparison to other entities that are eligible  
2 to be designated as Puget Sound partners under chapter 90.71 RCW.  
3 Entities that are not eligible to be a Puget Sound partner, due to  
4 geographic location, composition, exclusion from the scope of the Puget  
5 Sound action agenda developed under section 13 of this act, or for any  
6 other reason, shall not be given less preferential treatment than Puget  
7 Sound partners.

8 **Sec. 45.** RCW 70.105D.070 and 2005 c 488 s 926 are each amended to  
9 read as follows:

10 (1) The state toxics control account and the local toxics control  
11 account are hereby created in the state treasury.

12 (2) The following moneys shall be deposited into the state toxics  
13 control account: (a) Those revenues which are raised by the tax  
14 imposed under RCW 82.21.030 and which are attributable to that portion  
15 of the rate equal to thirty-three one-hundredths of one percent; (b)  
16 the costs of remedial actions recovered under this chapter or chapter  
17 70.105A RCW; (c) penalties collected or recovered under this chapter;  
18 and (d) any other money appropriated or transferred to the account by  
19 the legislature. Moneys in the account may be used only to carry out  
20 the purposes of this chapter, including but not limited to the  
21 following activities:

22 (i) The state's responsibility for hazardous waste planning,  
23 management, regulation, enforcement, technical assistance, and public  
24 education required under chapter 70.105 RCW;

25 (ii) The state's responsibility for solid waste planning,  
26 management, regulation, enforcement, technical assistance, and public  
27 education required under chapter 70.95 RCW;

28 (iii) The hazardous waste cleanup program required under this  
29 chapter;

30 (iv) State matching funds required under the federal cleanup law;

31 (v) Financial assistance for local programs in accordance with  
32 chapters 70.95, 70.95C, 70.95I, and 70.105 RCW;

33 (vi) State government programs for the safe reduction, recycling,  
34 or disposal of hazardous wastes from households, small businesses, and  
35 agriculture;

36 (vii) Hazardous materials emergency response training;

1 (viii) Water and environmental health protection and monitoring  
2 programs;

3 (ix) Programs authorized under chapter 70.146 RCW;

4 (x) A public participation program, including regional citizen  
5 advisory committees;

6 (xi) Public funding to assist potentially liable persons to pay for  
7 the costs of remedial action in compliance with cleanup standards under  
8 RCW 70.105D.030(2)(e) but only when the amount and terms of such  
9 funding are established under a settlement agreement under RCW  
10 70.105D.040(4) and when the director has found that the funding will  
11 achieve both (A) a substantially more expeditious or enhanced cleanup  
12 than would otherwise occur, and (B) the prevention or mitigation of  
13 unfair economic hardship; and

14 (xii) Development and demonstration of alternative management  
15 technologies designed to carry out the top two hazardous waste  
16 management priorities of RCW 70.105.150.

17 (3) The following moneys shall be deposited into the local toxics  
18 control account: Those revenues which are raised by the tax imposed  
19 under RCW 82.21.030 and which are attributable to that portion of the  
20 rate equal to thirty-seven one-hundredths of one percent.

21 (a) Moneys deposited in the local toxics control account shall be  
22 used by the department for grants or loans to local governments for the  
23 following purposes in descending order of priority:

24 (i) Remedial actions;

25 (ii) Hazardous waste plans and programs under chapter 70.105 RCW;

26 (iii) Solid waste plans and programs under chapters 70.95, 70.95C,  
27 70.95I, and 70.105 RCW;

28 (iv) Funds for a program to assist in the assessment and cleanup of  
29 sites of methamphetamine production, but not to be used for the initial  
30 containment of such sites, consistent with the responsibilities and  
31 intent of RCW 69.50.511; and

32 (v) Cleanup and disposal of hazardous substances from abandoned or  
33 derelict vessels, defined for the purposes of this section as vessels  
34 that have little or no value and either have no identified owner or  
35 have an identified owner lacking financial resources to clean up and  
36 dispose of the vessel, that pose a threat to human health or the  
37 environment. ((For purposes of this subsection (3)(a)(v), "abandoned

1 ~~or derelict vessels" means vessels that have little or no value and~~  
2 ~~either have no identified owner or have an identified owner lacking~~  
3 ~~financial resources to clean up and dispose of the vessel.))~~

4 (b) Funds for plans and programs shall be allocated consistent with  
5 the priorities and matching requirements established in chapters  
6 70.105, 70.95C, 70.95I, and 70.95 RCW, except that any applicant that  
7 is designated as a Puget Sound partner, as defined in RCW 90.71.010,  
8 and projects sponsored by the Puget Sound partner that is included in  
9 the action agenda adopted by the Puget Sound partnership under section  
10 13 of this act shall, except as conditioned by section 46 of this act,  
11 receive priority for funding for any grant or funding programs or  
12 sources that use a competitive bidding process. ((During the 1999-2001  
13 fiscal biennium, moneys in the account may also be used for the  
14 following activities: Conducting a study of whether dioxins occur in  
15 fertilizers, soil amendments, and soils; reviewing applications for  
16 registration of fertilizers; and conducting a study of plant uptake of  
17 metals. During the 2005-2007 fiscal biennium, the legislature may  
18 transfer from the local toxics control account to the state toxics  
19 control account such amounts as specified in the omnibus capital budget  
20 bill. During the 2005-2007 fiscal biennium, moneys in the account may  
21 also be used for grants to local governments to retrofit public sector  
22 diesel equipment and for storm water planning and implementation  
23 activities.

24 ~~(b))~~ (c) Funds may also be appropriated to the department of  
25 health to implement programs to reduce testing requirements under the  
26 federal safe drinking water act for public water systems. The  
27 department of health shall reimburse the account from fees assessed  
28 under RCW 70.119A.115 by June 30, 1995.

29 (4) Except for unanticipated receipts under RCW 43.79.260 through  
30 43.79.282, moneys in the state and local toxics control accounts may be  
31 spent only after appropriation by statute.

32 (5) One percent of the moneys deposited into the state and local  
33 toxics control accounts shall be allocated only for public  
34 participation grants to persons who may be adversely affected by a  
35 release or threatened release of a hazardous substance and to not-for-  
36 profit public interest organizations. The primary purpose of these  
37 grants is to facilitate the participation by persons and organizations  
38 in the investigation and remedying of releases or threatened releases

1 of hazardous substances and to implement the state's solid and  
2 hazardous waste management priorities. However, during the 1999-2001  
3 fiscal biennium, funding may not be granted to entities engaged in  
4 lobbying activities, and applicants may not be awarded grants if their  
5 cumulative grant awards under this section exceed two hundred thousand  
6 dollars. No grant may exceed sixty thousand dollars. Grants may be  
7 renewed annually. Moneys appropriated for public participation from  
8 either account which are not expended at the close of any biennium  
9 shall revert to the state toxics control account.

10 (6) No moneys deposited into either the state or local toxics  
11 control account may be used for solid waste incinerator feasibility  
12 studies, construction, maintenance, or operation, or for projects  
13 designed to address the restoration of Puget Sound that are not  
14 consistent with the action agenda adopted by the Puget Sound  
15 partnership under section 13 of this act.

16 (7) The department shall adopt rules for grant or loan issuance and  
17 performance.

18 (8) During the 2005-2007 fiscal biennium, the legislature may  
19 transfer from the state toxics control account to the water quality  
20 account such amounts as reflect the excess fund balance of the fund.

21 NEW SECTION. Sec. 46. A new section is added to chapter 70.105D  
22 RCW to read as follows:

23 When administering funds under this chapter, the department shall  
24 give consideration only to Puget Sound partners in comparison to other  
25 entities that are eligible to be designated as Puget Sound partners  
26 under chapter 90.71 RCW. Entities that are not eligible to be a Puget  
27 Sound partner, due to geographic location, composition, exclusion from  
28 the scope of the Puget Sound action agenda developed under section 13  
29 of this act, or for any other reason, shall not be given less  
30 preferential treatment than Puget Sound partners.

31 **Sec. 47.** RCW 79.105.150 and 2005 c 518 s 946 and 2005 c 155 s 121  
32 are each reenacted and amended to read as follows:

33 (1) After deduction for management costs as provided in RCW  
34 79.64.040 and payments to towns under RCW 79.115.150(2), all moneys  
35 received by the state from the sale or lease of state-owned aquatic  
36 lands and from the sale of valuable material from state-owned aquatic

1 lands shall be deposited in the aquatic lands enhancement account which  
2 is hereby created in the state treasury. After appropriation, these  
3 funds shall be used solely for aquatic lands enhancement projects; for  
4 the purchase, improvement, or protection of aquatic lands for public  
5 purposes; for providing and improving access to the lands; and for  
6 volunteer cooperative fish and game projects.

7 (2) In providing grants for aquatic lands enhancement projects, the  
8 department shall:

9 (a) Require grant recipients to incorporate the environmental  
10 benefits of the project into their grant applications~~((, and the~~  
11 ~~department shall))~~;

12 (b) Utilize the statement of environmental benefits, and  
13 consideration of whether the applicant is designated as a Puget Sound  
14 partner, as defined in RCW 90.71.010, and whether, except as provided  
15 in section 48 of this act, the project sponsored by the Puget Sound  
16 partner is included in the action agenda adopted by the Puget Sound  
17 partnership under section 13 of this act in its prioritization and  
18 selection process~~((. The department shall also))~~; and

19 (c) Develop appropriate outcome-focused performance measures to be  
20 used both for management and performance assessment of the grants.

21 (3) To the extent possible, the department should coordinate its  
22 performance measure system with other natural resource-related agencies  
23 as defined in RCW 43.41.270.

24 (4) The department shall consult with affected interest groups in  
25 implementing this section.

26 ~~((+3))~~ (5) Any project designed to address the restoration of  
27 Puget Sound may be funded under this chapter only if the project is  
28 consistent with the action agenda adopted by the Puget Sound  
29 partnership under section 13 of this act.

30 (6) During the fiscal biennium ending June 30, 2007, the funds may  
31 be appropriated for boating safety, settlement costs for aquatic lands  
32 cleanup, and shellfish management, enforcement, and enhancement and  
33 assistance to local governments for septic system surveys and data  
34 bases.

35 NEW SECTION. Sec. 48. A new section is added to chapter 79.105  
36 RCW to read as follows:

37 When administering funds under this chapter, the department shall

1 give consideration only to Puget Sound partners in comparison to other  
2 entities that are eligible to be designated as Puget Sound partners  
3 under chapter 90.71 RCW. Entities that are not eligible to be a Puget  
4 Sound partner, due to geographic location, composition, exclusion from  
5 the scope of the Puget Sound action agenda developed under section 13  
6 of this act, or for any other reason, shall not be given less  
7 preferential treatment than Puget Sound partners.

8 **Sec. 49.** RCW 79A.15.040 and 2005 c 303 s 3 are each amended to  
9 read as follows:

10 (1) Moneys appropriated for this chapter to the habitat  
11 conservation account shall be distributed in the following way:

12 (a) Not less than forty percent through June 30, 2011, at which  
13 time the amount shall become forty-five percent, for the acquisition  
14 and development of critical habitat;

15 (b) Not less than thirty percent for the acquisition and  
16 development of natural areas;

17 (c) Not less than twenty percent for the acquisition and  
18 development of urban wildlife habitat; and

19 (d) Not less than ten percent through June 30, 2011, at which time  
20 the amount shall become five percent, shall be used by the committee to  
21 fund restoration and enhancement projects on state lands. Only the  
22 department of natural resources and the department of fish and wildlife  
23 may apply for these funds to be used on existing habitat and natural  
24 area lands.

25 (2)(a) In distributing these funds, the committee retains  
26 discretion to meet the most pressing needs for critical habitat,  
27 natural areas, and urban wildlife habitat, and is not required to meet  
28 the percentages described in subsection (1) of this section in any one  
29 biennium.

30 (b) If not enough project applications are submitted in a category  
31 within the habitat conservation account to meet the percentages  
32 described in subsection (1) of this section in any biennium, the  
33 committee retains discretion to distribute any remaining funds to the  
34 other categories within the account.

35 (3) Only state agencies may apply for acquisition and development  
36 funds for natural areas projects under subsection (1) (b) of this  
37 section.

1 (4) State and local agencies may apply for acquisition and  
2 development funds for critical habitat and urban wildlife habitat  
3 projects under subsection (1)(a) and (c) of this section.

4 (5)(a) Any lands that have been acquired with grants under this  
5 section by the department of fish and wildlife are subject to an amount  
6 in lieu of real property taxes and an additional amount for control of  
7 noxious weeds as determined by RCW 77.12.203.

8 (b) Any lands that have been acquired with grants under this  
9 section by the department of natural resources are subject to payments  
10 in the amounts required under the provisions of RCW 79.70.130 and  
11 79.71.130.

12 (6)(a) Except as otherwise conditioned by section 50 of this act,  
13 the commission shall consider in determining distribution priority  
14 whether the local government applying for funding is designated as a  
15 Puget Sound partner, as that term is defined in RCW 90.71.010, and  
16 whether the project sponsored by the Puget Sound partner is included in  
17 the action agenda adopted by the Puget Sound partnership under section  
18 13 of this act.

19 (b) Any project designed to address the restoration of Puget Sound  
20 may be funded under this chapter only if the project is consistent with  
21 the action agenda adopted by the Puget Sound partnership under section  
22 13 of this act.

23 NEW SECTION. Sec. 50. A new section is added to chapter 79A.15  
24 RCW to read as follows:

25 When administering funds under this chapter, the commission shall  
26 give consideration only to Puget Sound partners in comparison to other  
27 entities that are eligible to be designated as Puget Sound partners  
28 under chapter 90.71 RCW. Entities that are not eligible to be a Puget  
29 Sound partner, due to geographic location, composition, exclusion from  
30 the scope of the Puget Sound action agenda developed under section 13  
31 of this act, or for any other reason, shall not be given less  
32 preferential treatment than Puget Sound partners.

33 **Sec. 51.** RCW 77.85.130 and 2005 c 309 s 8, 2005 c 271 s 1, and  
34 2005 c 257 s 3 are each reenacted and amended to read as follows:

35 (1) The salmon recovery funding board shall develop procedures and  
36 criteria for allocation of funds for salmon habitat projects and salmon

1 recovery activities on a statewide basis to address the highest  
2 priorities for salmon habitat protection and restoration. To the  
3 extent practicable the board shall adopt an annual allocation of  
4 funding. The allocation should address both protection and restoration  
5 of habitat, and should recognize the varying needs in each area of the  
6 state on an equitable basis. The board has the discretion to partially  
7 fund, or to fund in phases, salmon habitat projects. The board may  
8 annually establish a maximum amount of funding available for any  
9 individual project, subject to available funding. No projects required  
10 solely as a mitigation or a condition of permitting are eligible for  
11 funding.

12 (2)(a) In evaluating, ranking, and awarding funds for projects and  
13 activities the board shall give preference to projects that:

14 (i) Are based upon the limiting factors analysis identified under  
15 RCW 77.85.060;

16 (ii) Provide a greater benefit to salmon recovery based upon the  
17 stock status information contained in the department of fish and  
18 wildlife salmonid stock inventory (SASSI), the salmon and steelhead  
19 habitat inventory and assessment project (SSHIAP), and any comparable  
20 science-based assessment when available;

21 (iii) Will benefit listed species and other fish species;

22 (iv) Will preserve high quality salmonid habitat; (~~and~~)

23 (v) Are included in a regional or watershed-based salmon recovery  
24 plan that accords the project, action, or area a high priority for  
25 funding; and

26 (vi) Are, except as provided in section 52 of this act, sponsored  
27 by a local government that is designated as a Puget Sound partner, as  
28 that term is defined in RCW 90.71.010, and that are projects included  
29 in the action agenda adopted by the Puget Sound partnership under  
30 section 13 of this act.

31 (b) In evaluating, ranking, and awarding funds for projects and  
32 activities the board shall also give consideration to projects that:

33 (i) Are the most cost-effective;

34 (ii) Have the greatest matched or in-kind funding;

35 (iii) Will be implemented by a sponsor with a successful record of  
36 project implementation; (~~and~~)

37 (iv) Involve members of the veterans conservation corps established  
38 in RCW 43.60A.150; and



1 (v) Are part of a regionwide list developed by lead entities.

2 (3) The board may reject, but not add, projects from a habitat  
3 project list submitted by a lead entity for funding.

4 (4) The board shall establish criteria for determining when block  
5 grants may be made to a lead entity. The board may provide block  
6 grants to the lead entity to implement habitat project lists developed  
7 under RCW 77.85.050, subject to available funding. The board shall  
8 determine an equitable minimum amount of project funds for each  
9 recovery region, and shall distribute the remainder of funds on a  
10 competitive basis. The board may also provide block grants to the lead  
11 entity or regional recovery organization to assist in carrying out  
12 functions described under this chapter. Block grants must be expended  
13 consistent with the priorities established for the board in subsection  
14 (2) of this section. Lead entities or regional recovery organizations  
15 receiving block grants under this subsection shall provide an annual  
16 report to the board summarizing how funds were expended for activities  
17 consistent with this chapter, including the types of projects funded,  
18 project outcomes, monitoring results, and administrative costs.

19 (5) The board may waive or modify portions of the allocation  
20 procedures and standards adopted under this section in the award of  
21 grants or loans to conform to legislative appropriations directing an  
22 alternative award procedure or when the funds to be awarded are from  
23 federal or other sources requiring other allocation procedures or  
24 standards as a condition of the board's receipt of the funds. The  
25 board shall develop an integrated process to manage the allocation of  
26 funding from federal and state sources to minimize delays in the award  
27 of funding while recognizing the differences in state and legislative  
28 appropriation timing.

29 (6) The board may award a grant or loan for a salmon recovery  
30 project on private or public land when the landowner has a legal  
31 obligation under local, state, or federal law to perform the project,  
32 when expedited action provides a clear benefit to salmon recovery, and  
33 there will be harm to salmon recovery if the project is delayed. For  
34 purposes of this subsection, a legal obligation does not include a  
35 project required solely as a mitigation or a condition of permitting.

36 (7) Property acquired or improved by a project sponsor may be  
37 conveyed to a federal agency if: (a) The agency agrees to comply with  
38 all terms of the grant or loan to which the project sponsor was

1 obligated; or (b) the board approves: (i) Changes in the terms of the  
2 grant or loan, and the revision or removal of binding deed of right  
3 instruments; and (ii) a memorandum of understanding or similar document  
4 ensuring that the facility or property will retain, to the extent  
5 feasible, adequate habitat protections; and (c) the appropriate  
6 legislative authority of the county or city with jurisdiction over the  
7 project area approves the transfer and provides notification to the  
8 board.

9 (8) Any project designed to address the restoration of Puget Sound  
10 may be funded under this chapter only if the project is consistent with  
11 the action agenda adopted by the Puget Sound partnership under section  
12 13 of this act.

13 NEW SECTION. **Sec. 52.** A new section is added to chapter 77.85 RCW  
14 to read as follows:

15 When administering funds under this chapter, the board shall give  
16 consideration only to Puget Sound partners in comparison to other  
17 entities that are eligible to be designated as Puget Sound partners  
18 under chapter 90.71 RCW. Entities that are not eligible to be a Puget  
19 Sound partner, due to geographic location, composition, exclusion from  
20 the scope of the Puget Sound action agenda developed under section 13  
21 of this act, or for any other reason, shall not be given less  
22 preferential treatment than Puget Sound partners.

23 **Sec. 53.** RCW 90.88.005 and 2005 c 478 s 1 are each amended to read  
24 as follows:

25 (1) The legislature finds that Hood Canal is a precious aquatic  
26 resource of our state. The legislature finds that Hood Canal is a rich  
27 source of recreation, fishing, aquaculture, and aesthetic enjoyment for  
28 the citizens of this state. The legislature also finds that Hood Canal  
29 has great cultural significance for the tribes in the Hood Canal area.  
30 The legislature therefore recognizes Hood Canal's substantial  
31 environmental, cultural, economic, recreational, and aesthetic  
32 importance in this state.

33 (2) The legislature finds that Hood Canal is a marine water of the  
34 state at significant risk. The legislature finds that Hood Canal has  
35 a "dead zone" related to low-dissolved oxygen concentrations, a  
36 condition that has recurred for many years. The legislature also finds

1 that this problem and various contributors to the problem were  
2 documented in the May 2004 *Preliminary Assessment and Corrective Action*  
3 *Plan* published by the state agency known as the Puget Sound action team  
4 and the Hood Canal coordinating council.

5 (3) The legislature further finds that significant research,  
6 monitoring, and study efforts are currently occurring regarding Hood  
7 Canal's low-dissolved oxygen concentrations. The legislature also  
8 finds numerous public, private, and community organizations are working  
9 to provide public education and identify potential solutions. The  
10 legislature recognizes that, while some information and research is now  
11 available and some potential solutions have been identified, more  
12 research and analysis is needed to fully develop a program to address  
13 Hood Canal's low-dissolved oxygen concentrations.

14 (4) The legislature finds a need exists for the state to take  
15 action to address Hood Canal's low-dissolved oxygen concentrations.  
16 The legislature also finds establishing an aquatic rehabilitation zone  
17 for Hood Canal will serve as a statutory framework for future  
18 regulations and programs directed at recovery of this important aquatic  
19 resource.

20 (5) The legislature therefore intends to establish an aquatic  
21 rehabilitation zone for Hood Canal as the framework to address Hood  
22 Canal's low-dissolved oxygen concentrations. The legislature also  
23 intends to incorporate provisions in the new statutory chapter creating  
24 the designation as solutions are identified regarding this problem.

25 **Sec. 54.** RCW 90.88.020 and 2005 c 479 s 2 are each amended to read  
26 as follows:

27 (1) The development of a program for rehabilitation of Hood Canal  
28 is authorized in Jefferson, Kitsap, and Mason counties within the  
29 aquatic rehabilitation zone one.

30 (2) The Puget Sound (~~(action team)~~) partnership, created in section  
31 3 of this act, is designated as the state lead agency for the  
32 rehabilitation program authorized in this section.

33 (3) The Hood Canal coordinating council is designated as the local  
34 management board for the rehabilitation program authorized in this  
35 section.

36 (4) The Puget Sound (~~(action team)~~) partnership and the Hood Canal

1 coordinating council must each approve and must comanage projects under  
2 the rehabilitation program authorized in this section.

3 **Sec. 55.** RCW 90.88.030 and 2005 c 479 s 3 are each amended to read  
4 as follows:

5 (1) The Hood Canal coordinating council shall serve as the local  
6 management board for aquatic rehabilitation zone one. The local  
7 management board shall coordinate local government efforts with respect  
8 to the program authorized according to RCW 90.88.020. In the Hood  
9 Canal area, the Hood Canal coordinating council also shall:

10 (a) Serve as the lead entity and the regional recovery organization  
11 for the purposes of chapter 77.85 RCW for Hood Canal summer chum; and

12 (b) Assist in coordinating activities under chapter 90.82 RCW.

13 (2) When developing and implementing the program authorized in RCW  
14 90.88.020 and when establishing funding criteria according to  
15 subsection (7) of this section, the Puget Sound (~~(action-team)~~)  
16 partnership, created in section 3 of this act, and the local management  
17 board shall solicit participation by federal, tribal, state, and local  
18 agencies and universities and nonprofit organizations with expertise in  
19 areas related to program activities. The local management board may  
20 include state and federal agency representatives, or additional  
21 persons, as nonvoting management board members or may receive technical  
22 assistance and advice from them in other venues. The local management  
23 board also may appoint technical advisory committees as needed.

24 (3) The local management board and the Puget Sound (~~(action-team)~~)  
25 partnership shall participate in the development of the program  
26 authorized under RCW 90.88.020.

27 (4) The local management board and its participating local and  
28 tribal governments shall assess concepts for a regional governance  
29 structure and shall submit a report regarding the findings and  
30 recommendations to the appropriate committees of the legislature by  
31 December 1, 2007.

32 (5) Any of the local management board's participating counties and  
33 tribes, any federal, tribal, state, or local agencies, or any  
34 universities or nonprofit organizations may continue individual efforts  
35 and activities for rehabilitation of Hood Canal. Nothing in this  
36 section limits the authority of units of local government to enter into

1 interlocal agreements under chapter 39.34 RCW or any other provision of  
2 law.

3 (6) The local management board may not exercise authority over land  
4 or water within the individual counties or otherwise preempt the  
5 authority of any units of local government.

6 (7) The local management board and the Puget Sound (~~(action team)~~)  
7 partnership each may receive and disburse funding for projects,  
8 studies, and activities related to Hood Canal's low-dissolved oxygen  
9 concentrations. The Puget Sound (~~(action team)~~) partnership and the  
10 local management board shall jointly coordinate a process to prioritize  
11 projects, studies, and activities for which the Puget Sound (~~(action~~  
12 ~~team)~~) partnership receives state funding specifically allocated for  
13 Hood Canal corrective actions to implement this section. The local  
14 management board and the Puget Sound (~~(action team)~~) partnership shall  
15 establish criteria for funding these projects, studies, and activities  
16 based upon their likely value in addressing and resolving Hood Canal's  
17 low-dissolved oxygen concentrations. Final approval for projects under  
18 this section requires the consent of both the Puget Sound (~~(action~~  
19 ~~team)~~) partnership and the local management board. Projects under this  
20 section must be comanaged by the Puget Sound (~~(action team)~~)  
21 partnership and the local management board. Nothing in this section  
22 prohibits any federal, tribal, state, or local agencies, universities,  
23 or nonprofit organizations from receiving funding for specific projects  
24 that may assist in the rehabilitation of Hood Canal.

25 (8) The local management board may hire and fire staff, including  
26 an executive director, enter into contracts, accept grants and other  
27 moneys, disburse funds, make recommendations to local governments about  
28 potential regulations and the development of programs and incentives  
29 upon request, pay all necessary expenses, and choose a fiduciary agent.

30 (9) The local management board shall report its progress on a  
31 quarterly basis to the legislative bodies of the participating counties  
32 and tribes and the participating state agencies. The local management  
33 board also shall submit an annual report describing its efforts and  
34 successes in implementing the program established according to RCW  
35 90.88.020 to the appropriate committees of the legislature.

36 **Sec. 56.** RCW 90.88.901 and 2005 c 479 s 5 are each amended to read  
37 as follows:

1 Nothing in chapter 479, Laws of 2005 provides any regulatory  
2 authority to the Puget Sound (~~(action team)~~) partnership, created in  
3 section 3 of this act, or the Hood Canal coordinating council.

4 **Sec. 57.** RCW 90.88.902 and 2005 c 479 s 6 are each amended to read  
5 as follows:

6 The activities of the Puget Sound (~~(action team)~~) partnership,  
7 created in section 3 of this act, and the Hood Canal coordinating  
8 council required by chapter 479, Laws of 2005 are subject to the  
9 availability of amounts appropriated for this specific purpose.

10 **Sec. 58.** RCW 90.48.260 and 2003 c 325 s 7 are each amended to read  
11 as follows:

12 The department of ecology is hereby designated as the State Water  
13 Pollution Control Agency for all purposes of the federal clean water  
14 act as it exists on February 4, 1987, and is hereby authorized to  
15 participate fully in the programs of the act as well as to take all  
16 action necessary to secure to the state the benefits and to meet the  
17 requirements of that act. With regard to the national estuary program  
18 established by section 320 of that act, the department shall exercise  
19 its responsibility jointly with the Puget Sound (~~(water quality~~  
20 ~~authority)~~) partnership, created in section 3 of this act. The  
21 department of ecology may delegate its authority under this chapter,  
22 including its national pollutant discharge elimination permit system  
23 authority and duties regarding animal feeding operations and  
24 concentrated animal feeding operations, to the department of  
25 agriculture through a memorandum of understanding. Until any such  
26 delegation receives federal approval, the department of agriculture's  
27 adoption or issuance of animal feeding operation and concentrated  
28 animal feeding operation rules, permits, programs, and directives  
29 pertaining to water quality shall be accomplished after reaching  
30 agreement with the director of the department of ecology. Adoption or  
31 issuance and implementation shall be accomplished so that compliance  
32 with such animal feeding operation and concentrated animal feeding  
33 operation rules, permits, programs, and directives will achieve  
34 compliance with all federal and state water pollution control laws.  
35 The powers granted herein include, among others, and notwithstanding  
36 any other provisions of chapter 90.48 RCW or otherwise, the following:

1 (1) Complete authority to establish and administer a comprehensive  
2 state point source waste discharge or pollution discharge elimination  
3 permit program which will enable the department to qualify for full  
4 participation in any national waste discharge or pollution discharge  
5 elimination permit system and will allow the department to be the sole  
6 agency issuing permits required by such national system operating in  
7 the state of Washington subject to the provisions of RCW 90.48.262(2).  
8 Program elements authorized herein may include, but are not limited to:  
9 (a) Effluent treatment and limitation requirements together with timing  
10 requirements related thereto; (b) applicable receiving water quality  
11 standards requirements; (c) requirements of standards of performance  
12 for new sources; (d) pretreatment requirements; (e) termination and  
13 modification of permits for cause; (f) requirements for public notices  
14 and opportunities for public hearings; (g) appropriate relationships  
15 with the secretary of the army in the administration of his  
16 responsibilities which relate to anchorage and navigation, with the  
17 administrator of the environmental protection agency in the performance  
18 of his duties, and with other governmental officials under the federal  
19 clean water act; (h) requirements for inspection, monitoring, entry,  
20 and reporting; (i) enforcement of the program through penalties,  
21 emergency powers, and criminal sanctions; (j) a continuing planning  
22 process; and (k) user charges.

23 (2) The power to establish and administer state programs in a  
24 manner which will insure the procurement of moneys, whether in the form  
25 of grants, loans, or otherwise; to assist in the construction,  
26 operation, and maintenance of various water pollution control  
27 facilities and works; and the administering of various state water  
28 pollution control management, regulatory, and enforcement programs.

29 (3) The power to develop and implement appropriate programs  
30 pertaining to continuing planning processes, area-wide waste treatment  
31 management plans, and basin planning.

32 The governor shall have authority to perform those actions required  
33 of him or her by the federal clean water act.

34 **Sec. 59.** RCW 79A.60.520 and 1999 c 249 s 1507 are each amended to  
35 read as follows:

36 The commission, in consultation with the departments of ecology,  
37 fish and wildlife, natural resources, social and health services, and

1 the Puget Sound (~~(action team)~~) partnership shall conduct a literature  
2 search and analyze pertinent studies to identify areas which are  
3 polluted or environmentally sensitive within the state's waters. Based  
4 on this review the commission shall designate appropriate areas as  
5 polluted or environmentally sensitive, for the purposes of chapter 393,  
6 Laws of 1989 only.

7 **Sec. 60.** RCW 79A.60.510 and 1999 c 249 s 1506 are each amended to  
8 read as follows:

9 The legislature finds that the waters of Washington state provide  
10 a unique and valuable recreational resource to large and growing  
11 numbers of boaters. Proper stewardship of, and respect for, these  
12 waters requires that, while enjoying them for their scenic and  
13 recreational benefits, boaters must exercise care to assure that such  
14 activities do not contribute to the despoliation of these waters, and  
15 that watercraft be operated in a safe and responsible manner. The  
16 legislature has specifically addressed the topic of access to clean and  
17 safe waterways by requiring the 1987 boating safety study and by  
18 establishing the Puget Sound (~~(action team)~~) partnership.

19 The legislature finds that there is a need to educate Washington's  
20 boating community about safe and responsible actions on our waters and  
21 to increase the level and visibility of the enforcement of boating  
22 laws. To address the incidence of fatalities and injuries due to  
23 recreational boating on our state's waters, local and state efforts  
24 directed towards safe boating must be stimulated. To provide for safe  
25 waterways and public enjoyment, portions of the watercraft excise tax  
26 and boat registration fees should be made available for boating safety  
27 and other boating recreation purposes.

28 In recognition of the need for clean waterways, and in keeping with  
29 the Puget Sound (~~(action team's)~~) partnership's water quality work  
30 plan, the legislature finds that adequate opportunities for responsible  
31 disposal of boat sewage must be made available. There is hereby  
32 established a five-year initiative to install sewage pumpout or sewage  
33 dump stations at appropriate marinas.

34 To assure the use of these sewage facilities, a boater  
35 environmental education program must accompany the five-year initiative  
36 and continue to educate boaters about boat wastes and aquatic  
37 resources.



1 The legislature also finds that, in light of the increasing numbers  
2 of boaters utilizing state waterways, a program to acquire and develop  
3 sufficient waterway access facilities for boaters must be undertaken.

4 To support boating safety, environmental protection and education,  
5 and public access to our waterways, the legislature declares that a  
6 portion of the income from boating-related activities, as specified in  
7 RCW 82.49.030 and 88.02.040, should support these efforts.

8 **Sec. 61.** RCW 79.105.500 and 2005 c 155 s 158 are each amended to  
9 read as follows:

10 The legislature finds that the department provides, manages, and  
11 monitors aquatic land dredged material disposal sites on state-owned  
12 aquatic lands for materials dredged from rivers, harbors, and shipping  
13 lanes. These disposal sites are approved through a cooperative  
14 planning process by the departments of natural resources and ecology,  
15 the United States army corps of engineers, and the United States  
16 environmental protection agency in cooperation with the Puget Sound  
17 (~~(action team)~~) partnership. These disposal sites are essential to the  
18 commerce and well-being of the citizens of the state of Washington.  
19 Management and environmental monitoring of these sites are necessary to  
20 protect environmental quality and to assure appropriate use of state-  
21 owned aquatic lands. The creation of an aquatic land dredged material  
22 disposal site account is a reasonable means to enable and facilitate  
23 proper management and environmental monitoring of these disposal sites.

24 **Sec. 62.** RCW 77.60.130 and 2000 c 149 s 1 are each amended to read  
25 as follows:

26 (1) The aquatic nuisance species committee is created for the  
27 purpose of fostering state, federal, tribal, and private cooperation on  
28 aquatic nuisance species issues. The mission of the committee is to  
29 minimize the unauthorized or accidental introduction of nonnative  
30 aquatic species and give special emphasis to preventing the  
31 introduction and spread of aquatic nuisance species. The term "aquatic  
32 nuisance species" means a nonnative aquatic plant or animal species  
33 that threatens the diversity or abundance of native species, the  
34 ecological stability of infested waters, or commercial, agricultural,  
35 or recreational activities dependent on such waters.

1           (2) The committee consists of representatives from each of the  
2 following state agencies: Department of fish and wildlife, department  
3 of ecology, department of agriculture, department of health, department  
4 of natural resources, Puget Sound (~~water quality action team~~)  
5 partnership, state patrol, state noxious weed control board, and  
6 Washington sea grant program. The committee shall encourage and  
7 solicit participation by: Federally recognized tribes of Washington,  
8 federal agencies, Washington conservation organizations, environmental  
9 groups, and representatives from industries that may either be affected  
10 by the introduction of an aquatic nuisance species or that may serve as  
11 a pathway for their introduction.

12           (3) The committee has the following duties:

13           (a) Periodically revise the state of Washington aquatic nuisance  
14 species management plan, originally published in June 1998;

15           (b) Make recommendations to the legislature on statutory provisions  
16 for classifying and regulating aquatic nuisance species;

17           (c) Recommend to the state noxious weed control board that a plant  
18 be classified under the process designated by RCW 17.10.080 as an  
19 aquatic noxious weed;

20           (d) Coordinate education, research, regulatory authorities,  
21 monitoring and control programs, and participate in regional and  
22 national efforts regarding aquatic nuisance species;

23           (e) Consult with representatives from industries and other  
24 activities that may serve as a pathway for the introduction of aquatic  
25 nuisance species to develop practical strategies that will minimize the  
26 risk of new introductions; and

27           (f) Prepare a biennial report to the legislature with the first  
28 report due by December 1, 2001, making recommendations for better  
29 accomplishing the purposes of this chapter, and listing the  
30 accomplishments of this chapter to date.

31           (4) The committee shall accomplish its duties through the authority  
32 and cooperation of its member agencies. Implementation of all plans  
33 and programs developed by the committee shall be through the member  
34 agencies and other cooperating organizations.

35           **Sec. 63.** RCW 70.146.070 and 1999 c 164 s 603 are each amended to  
36 read as follows:

1 (1) When making grants or loans for water pollution control  
2 facilities, the department shall consider the following:

3 (a) The protection of water quality and public health;

4 (b) The cost to residential ratepayers if they had to finance water  
5 pollution control facilities without state assistance;

6 (c) Actions required under federal and state permits and compliance  
7 orders;

8 (d) The level of local fiscal effort by residential ratepayers  
9 since 1972 in financing water pollution control facilities;

10 (e) The extent to which the applicant county or city, or if the  
11 applicant is another public body, the extent to which the county or  
12 city in which the applicant public body is located, has established  
13 programs to mitigate nonpoint pollution of the surface or subterranean  
14 water sought to be protected by the water pollution control facility  
15 named in the application for state assistance; and

16 (f) The recommendations of the Puget Sound (~~action team~~)  
17 partnership, created in section 3 of this act, and any other board,  
18 council, commission, or group established by the legislature or a state  
19 agency to study water pollution control issues in the state.

20 (2) Except where necessary to address a public health need or  
21 substantial environmental degradation, a county, city, or town planning  
22 under RCW 36.70A.040 may not receive a grant or loan for water  
23 pollution control facilities unless it has adopted a comprehensive  
24 plan, including a capital facilities plan element, and development  
25 regulations as required by RCW 36.70A.040. This subsection does not  
26 require any county, city, or town planning under RCW 36.70A.040 to  
27 adopt a comprehensive plan or development regulations before requesting  
28 or receiving a grant or loan under this chapter if such request is made  
29 before the expiration of the time periods specified in RCW 36.70A.040.  
30 A county, city, or town planning under RCW 36.70A.040 which has not  
31 adopted a comprehensive plan and development regulations within the  
32 time periods specified in RCW 36.70A.040 is not prohibited from  
33 receiving a grant or loan under this chapter if the comprehensive plan  
34 and development regulations are adopted as required by RCW 36.70A.040  
35 before submitting a request for a grant or loan.

36 (3) Whenever the department is considering awarding grants or loans  
37 for public facilities to special districts requesting funding for a  
38 proposed facility located in a county, city, or town planning under RCW

1 36.70A.040, it shall consider whether the county, city, or town  
2 planning under RCW 36.70A.040 in whose planning jurisdiction the  
3 proposed facility is located has adopted a comprehensive plan and  
4 development regulations as required by RCW 36.70A.040.

5 **Sec. 64.** RCW 70.118.090 and 1994 c 281 s 6 are each amended to  
6 read as follows:

7 The department may not use funds appropriated to implement an  
8 element of the Puget Sound (~~(water quality authority plan)~~) partnership  
9 action agenda to conduct any activity required under chapter 281, Laws  
10 of 1994.

11 **Sec. 65.** RCW 43.21J.030 and 1998 c 245 s 60 are each amended to  
12 read as follows:

13 (1) There is created the environmental enhancement and job creation  
14 task force within the office of the governor. The purpose of the task  
15 force is to provide a coordinated and comprehensive approach to  
16 implementation of chapter 516, Laws of 1993. The task force shall  
17 consist of the commissioner of public lands, the director of the  
18 department of fish and wildlife, the director of the department of  
19 ecology, the director of the parks and recreation commission, the  
20 timber team coordinator, the executive director of the work force  
21 training and education coordinating board, and the executive director  
22 of the Puget Sound (~~(water quality authority)~~) partnership, or their  
23 designees. The task force may seek the advice of the following  
24 agencies and organizations: The department of community, trade, and  
25 economic development, the conservation commission, the employment  
26 security department, the interagency committee for outdoor recreation,  
27 appropriate federal agencies, appropriate special districts, the  
28 Washington state association of counties, the association of Washington  
29 cities, labor organizations, business organizations, timber-dependent  
30 communities, environmental organizations, and Indian tribes. The  
31 governor shall appoint the task force chair. Members of the task force  
32 shall serve without additional pay. Participation in the work of the  
33 committee by agency members shall be considered in performance of their  
34 employment. The governor shall designate staff and administrative  
35 support to the task force and shall solicit the participation of agency  
36 personnel to assist the task force.

1 (2) The task force shall have the following responsibilities:

2 (a) Soliciting and evaluating, in accordance with the criteria set  
3 forth in RCW 43.21J.040, requests for funds from the environmental and  
4 forest restoration account and making distributions from the account.  
5 The task force shall award funds for projects and training programs it  
6 approves and may allocate the funds to state agencies for disbursement  
7 and contract administration;

8 (b) Coordinating a process to assist state agencies and local  
9 governments to implement effective environmental and forest restoration  
10 projects funded under this chapter;

11 (c) Considering unemployment profile data provided by the  
12 employment security department.

13 (3) Beginning July 1, 1994, the task force shall have the following  
14 responsibilities:

15 (a) To solicit and evaluate proposals from state and local  
16 agencies, private nonprofit organizations, and tribes for environmental  
17 and forest restoration projects;

18 (b) To rank the proposals based on criteria developed by the task  
19 force in accordance with RCW 43.21J.040; and

20 (c) To determine funding allocations for projects to be funded from  
21 the account created in RCW 43.21J.020 and for projects or programs as  
22 designated in the omnibus operating and capital appropriations acts.

23 **Sec. 66.** RCW 43.21J.040 and 1993 c 516 s 4 are each amended to  
24 read as follows:

25 (1) Subject to the limitations of RCW 43.21J.020, the task force  
26 shall award funds from the environmental and forest restoration account  
27 on a competitive basis. The task force shall evaluate and rate  
28 environmental enhancement and restoration project proposals using the  
29 following criteria:

30 (a) The ability of the project to produce measurable improvements  
31 in water and habitat quality;

32 (b) The cost-effectiveness of the project based on: (i) Projected  
33 costs and benefits of the project; (ii) past costs and environmental  
34 benefits of similar projects; and (iii) the ability of the project to  
35 achieve cost efficiencies through its design to meet multiple policy  
36 objectives;

1 (c) The inclusion of the project as a high priority in a federal,  
2 state, tribal, or local government plan relating to environmental or  
3 forest restoration, including but not limited to a local watershed  
4 action plan, storm water management plan, capital facility plan, growth  
5 management plan, or a flood control plan; or the ranking of the project  
6 by conservation districts as a high priority for water quality and  
7 habitat improvements;

8 (d) The number of jobs to be created by the project for dislocated  
9 forest products workers, high-risk youth, and residents of impact  
10 areas;

11 (e) Participation in the project by environmental businesses to  
12 provide training, cosponsor projects, and employ or jointly employ  
13 project participants;

14 (f) The ease with which the project can be administered from the  
15 community the project serves;

16 (g) The extent to which the project will either augment existing  
17 efforts by organizations and governmental entities involved in  
18 environmental and forest restoration in the community or receive  
19 matching funds, resources, or in-kind contributions; and

20 (h) The capacity of the project to produce jobs and job-related  
21 training that will pay market rate wages and impart marketable skills  
22 to workers hired under this chapter.

23 (2) The following types of projects and programs shall be given top  
24 priority in the first fiscal year after July 1, 1993:

25 (a) Projects that are highly ranked in and implement adopted or  
26 approved watershed action plans, such as those developed pursuant to  
27 rules adopted by the agency then known as the Puget Sound water quality  
28 authority (~~(rules adopted)~~) for local planning and management of  
29 nonpoint source pollution;

30 (b) Conservation district projects that provide water quality and  
31 habitat improvements;

32 (c) Indian tribe projects that provide water quality and habitat  
33 improvements; or

34 (d) Projects that implement actions approved by a shellfish  
35 protection district under chapter 100, Laws of 1992.

36 (3) Funds shall not be awarded for the following activities:

37 (a) Administrative rule making;

38 (b) Planning; or

1 (c) Public education.

2 **Sec. 67.** RCW 28B.30.632 and 1990 c 289 s 2 are each amended to  
3 read as follows:

4 (1) The sea grant and cooperative extension shall jointly  
5 administer a program to provide field agents to work with local  
6 governments, property owners, and the general public to increase the  
7 propagation of shellfish, and to address Puget Sound water quality  
8 problems within Kitsap, Mason, and Jefferson counties that may limit  
9 shellfish propagation potential. The sea grant and cooperative  
10 extension shall each make available the services of no less than two  
11 agents within these counties for the purposes of this section.

12 (2) The responsibilities of the field agents shall include but not  
13 be limited to the following:

14 (a) Provide technical assistance to property owners, marine  
15 industry owners and operators, and others, regarding methods and  
16 practices to address nonpoint and point sources of pollution of Puget  
17 Sound;

18 (b) Provide technical assistance to address water quality problems  
19 limiting opportunities for enhancing the recreational harvest of  
20 shellfish;

21 (c) Provide technical assistance in the management and increased  
22 production of shellfish to facility operators or to those interested in  
23 establishing an operation;

24 (d) Assist local governments to develop and implement education and  
25 public involvement activities related to Puget Sound water quality;

26 (e) Assist in coordinating local water quality programs with  
27 region-wide and statewide programs;

28 (f) Provide information and assistance to local watershed  
29 committees.

30 (3) The sea grant and cooperative extension shall mutually  
31 coordinate their field agent activities to avoid duplicative efforts  
32 and to ensure that the full range of responsibilities under RCW  
33 28B.30.632 through 28B.30.636 are carried out. They shall consult with  
34 the Puget Sound (~~water quality authority~~) partnership, created in  
35 section 3 of this act, and ensure consistency with (~~the authority's~~)  
36 any of the Puget Sound partnership's water quality management plans.

1 (4) Recognizing the special expertise of both agencies, the sea  
2 grant and cooperative extension shall cooperate to divide their  
3 activities as follows:

4 (a) Sea grant shall have primary responsibility to address water  
5 quality issues related to activities within Puget Sound, and to provide  
6 assistance regarding the management and improvement of shellfish  
7 production; and

8 (b) Cooperative extension shall have primary responsibility to  
9 address upland and freshwater activities affecting Puget Sound water  
10 quality and associated watersheds.

11 NEW SECTION. **Sec. 68.** RCW 90.71.902 and 90.71.903 are each  
12 decodified.

13 NEW SECTION. **Sec. 69.** RCW 90.71.100 is recodified as a new  
14 section in chapter 70.118 RCW.

15 NEW SECTION. **Sec. 70.** The following acts or parts of acts are  
16 each repealed:

17 (1) RCW 90.71.015 (Environmental excellence program agreements--  
18 Effect on chapter) and 1997 c 381 s 30;

19 (2) RCW 90.71.020 (Puget Sound action team) and 1998 c 246 s 14 &  
20 1996 c 138 s 3;

21 (3) RCW 90.71.030 (Puget Sound council) and 1999 c 241 s 3 & 1996  
22 c 138 s 4;

23 (4) RCW 90.71.040 (Chair of action team) and 1996 c 138 s 5;

24 (5) RCW 90.71.050 (Work plans) and 1998 c 246 s 15 & 1996 c 138 s  
25 6;

26 (6) RCW 90.71.070 (Work plan implementation) and 1996 c 138 s 8;

27 (7) RCW 90.71.080 (Public participation) and 1996 c 138 s 9;

28 (8) RCW 90.71.900 (Short title--1996 c 138) and 1996 c 138 s 15;  
29 and

30 (9) RCW 90.71.901 (Captions not law) and 1996 c 138 s 14.

31 NEW SECTION. **Sec. 71.** Sections 3 through 31 of this act are each  
32 added to chapter 90.71 RCW.



1        NEW SECTION.    **Sec. 72.**    This act is necessary for the immediate  
2    preservation of the public peace, health, or safety, or support of the  
3    state government and its existing public institutions, and takes effect  
4    July 1, 2007.

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