

HOUSE BILL REPORT

HB 2277

As Reported by House Committee On: Environment

Title: An act relating to updating the statutes controlling the Puget Sound partnership to reflect the transition from developing the action agenda to implementing the action agenda.

Brief Description: Updating the statutes controlling the Puget Sound partnership to reflect the transition from developing the action agenda to implementing the action agenda.

Sponsors: Representatives Upthegrove, Tharinger, Jenkins, Moscoso, Hudgins and Fitzgibbon.

Brief History:

Committee Activity:

Environment: 1/20/12, 1/27/12 [DPS].

Brief Summary of Substitute Bill

- Removes the responsibility of the Puget Sound Partnership (Partnership) to designate entities as Puget Sound partners.
- Updates provisions related to the Partnership's duties to reflect that the initial Action Agenda has been completed, and that the Partnership is now responsible for implementing and updating the Action Agenda.
- Adds the requirement that the Joint Legislative Audit and Review Committee (Committee) provide an update to the Legislature by January 1, 2013, on the Partnership's progress in implementing the recommendations contained in the Committee's 2011 audit of the Partnership's progress to date.
- Requires the Partnership to include new provisions in revised versions of the Action Agenda related to inclusion of current restoration projects and an accounting of all funding to date.
- Adds new definitions for "near-term action" and "targets."

HOUSE COMMITTEE ON ENVIRONMENT

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 13 members: Representatives Upthegrove, Chair; Tharinger, Vice Chair; Short,

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Ranking Minority Member; Harris, Assistant Ranking Minority Member; Fitzgibbon, Hansen, Jinkins, Morris, Nealey, Pearson, Pollet, Takko and Wylie.

Minority Report: Do not pass. Signed by 2 members: Representatives Shea and Taylor.

Staff: Anna Jackson (786-7194).

Background:

In 2007 the Legislature created the Puget Sound Partnership (Partnership), a new state agency charged with coordinating and leading the effort to restore and protect the Puget Sound by 2020. The Partnership's primary responsibilities can be characterized as three interrelated tasks: (1) developing and prioritizing solutions to restore the environmental health of the Puget Sound by 2020; (2) overseeing the implementation of those solutions; and (3) tracking and monitoring results, and adjusting proposed solutions accordingly. The Partnership is governed by the Leadership Council, whose members are appointed by the Governor, which coordinates with the Ecosystem Coordination Board (Board) in carrying out the duties of the Partnership. The Board has representatives from the general public, environmental, business, private, nongovernmental, government, and scientific sectors, as well as from tribal governments.

Key among the Partnership's responsibilities in developing solutions to restore the Puget Sound is delivering an Action Agenda—a science-based plan to set goals and identify near-term actions, strategies, and the entities responsible for cleaning up Puget Sound. The Partnership issued its initial Action Agenda in December 2008, with a revised draft issued in May 2009. The Partnership anticipates releasing another revised draft in 2012. By statute, the near-term strategies and actions described in the Action Agenda must be updated every two years.

A "Puget Sound partner" is an entity that has been recognized by the Partnership as having consistently achieved outstanding progress in implementing the 2020 Action Agenda.

Summary of Substitute Bill:

The responsibility of the Partnership to designate entities as Puget Sound partners is removed, as well as all references to Puget Sound partners in law.

A number of provisions related to the Action Agenda are updated to reflect that the initial Action Agenda has been completed, and that the Partnership is now responsible for implementing and updating the Action Agenda.

The substitute bill specifies that the Action Agenda must be updated every two years, on odd-numbered years.

The Joint Legislative Audit and Review Committee (Committee) is required to update the Legislature by January 1, 2013, on the extent to which the Partnership's 2012 Action Agenda,

State of the Sound Report, and other activities implement the recommendations of the Committee's 2011 audit entitled, "Processes Required to Measure Puget Sound Restoration Are Not Yet in Place."

The substitute bill requires the Partnership to include the following new provisions in revised versions of the Action Agenda: (1) whether it has considered or included existing projects related to Puget Sound restoration as part of its prioritization process, and if it has not included specific projects, to explain why; (2) an assessment of how its current expenditures related to Puget Sound restoration fit into the prioritization process for projects in the Action Agenda; and (3) an accounting of it has allocated all federal and state funding to date, as well as how these expenditures relate back to the most recent version of the Action Agenda.

The definition of "benchmarks" is amended to include targets and specifies that benchmarks are expressed as a near-term action, and creates new definitions for "near-term" action and "targets." "Near-term action" is the compilation and prioritization of both current ongoing activities, as well as identified benchmarks. "Targets" are regional recovery goals designed to guide the work of organizations and people living in the Puget Sound region. Targets are not intended to be used for regulatory purposes, or for recommendations related to grant eligibility.

Substitute Bill Compared to Original Bill:

The substitute bill makes the following changes:

- restores existing language regarding the Ecosystem Coordination Board's duty to assist organizations in compiling local programs for possible inclusion in revised versions of the Action Agenda, as well as regarding reviewing and making recommendations for other projects and programs at the request of the Leadership Council;
- inserts additional language reflecting that the initial Action Agenda has been completed, and that Ecosystem Coordination Board's duties now related to producing updated versions of the Action Agenda;
- requires the Executive Director of the Partnership to undergo the same collaborative process for compiling existing watershed programs relating to the health of Puget Sound used to develop the initial Action Agenda prior to implementing updated versions of the Action Agenda;
- clarifies that the Washington Academy of Sciences does not nominate scientists, but reviews the credentials of scientists;
- specifies that the Action Agenda must be updated every two years, on odd-numbered years;
- clarifies that the Committee will provide an update, instead of a full audit, to the Legislature on the extent to which the Partnership's 2012 Action Agenda, State of the Sound Report, and other activities implement the recommendations of Committee's 2011 audit entitled, "Processes Required to Measure Puget Sound Restoration Are Not Yet In Place;"
- adds new requirements for what the Partnership must include in updated versions of the Action Agenda, related to inclusion of current restoration projects and an accounting of how the Partnership has allocated all federal and state funding to date;

- adds new definitions for "near-term action" and "targets," and amends the definition of "benchmarks;" and
 - removes two subsections that relate to dates that have already passed for certain actions that have been completed.
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Appropriation: None.

Fiscal Note: Not requested.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) The main element of importance in this bill is the addition of a report by the Committee by January 2013. The Legislature needs to ensure accountability and oversight mechanisms are in place for implementation of the Committee's 2011 audit recommendations. The designation of "Puget Sound partners" has been a cumbersome process that has not worked well for local governments and other entities, and the Partnership agrees it should be removed from statute. This bill will allow the Partnership to focus on the most important work they need to do, and provide more oversight and accountability of their work.

The Partnership is focused on three overarching duties: (1) setting priorities; (2) putting priorities in action; and (3) making sure oversight tools are in place. This bill supports all three goals, although there are some additional changes the Partnership recommends making.

(With concerns) Removing certain language from the Partnership's statute raises concerns. Also, a prioritization of current, ongoing restoration activities has not been included in the 2012 Action Agenda. If language regarding "targets" is added to the statute, sideboards need to be in place to ensure targets are not regulatory in nature.

(Opposed) None.

Persons Testifying: (In support) Representative Upthegrove, prime sponsor; and Michael Grayum, Puget Sound Partnership.

(With concerns) Brandon Houskeeper, Association of Washington Business.

Persons Signed In To Testify But Not Testifying: None.