
SENATE BILL 5372

State of Washington

60th Legislature

2007 Regular Session

By Senators Rockefeller, Swecker, Poulsen, Marr, Keiser, Shin, Kline, McAuliffe, Fraser, Kilmer and Murray; by request of Governor Gregoire

Read first time 01/17/2007. Referred to Committee on Water, Energy & Telecommunications.

1 AN ACT Relating to the Puget Sound partnership; amending RCW
2 90.71.005, 90.71.100, 43.17.010, 43.17.020, and 42.17.2401; adding a
3 new section to chapter 41.06 RCW; adding a new section to chapter 77.85
4 RCW; adding new sections to chapter 90.71 RCW; adding a new section to
5 chapter 70.118 RCW; recodifying RCW 90.71.100; decodifying RCW
6 90.71.902 and 90.71.903; repealing RCW 90.71.010, 90.71.015, 90.71.020,
7 90.71.030, 90.71.040, 90.71.050, 90.71.060, 90.71.070, 90.71.080,
8 90.71.900, and 90.71.901; providing an effective date; and declaring an
9 emergency.

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

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

13 (1) The legislature finds that((+
14 (+)) Puget Sound and related inland marine waterways ((of
15 ~~Washington state~~)), such as Hood Canal, and the lakes, rivers, and
16 streams that flow to them represent a unique and unparalleled
17 resource((-)) to the state of Washington with a rich and varied range
18 of freshwater and marine organisms, comprising an interdependent,
19 sensitive communal ecosystem ((~~reside in these sheltered waters~~)).

1 Residents of this region enjoy a way of life centered around ((the))
2 these waters ((of Puget Sound)), featuring accessible recreational
3 opportunities, world-class port facilities and water transportation
4 systems, harvest of marine food resources, shoreline-oriented life
5 styles, water-dependent industries, tourism, irreplaceable aesthetics,
6 water for domestic, agricultural, and industrial uses, and other
7 activities, all of which ((to some degree)) depend upon ((a)) clean and
8 healthy marine and freshwater resources((+)

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

12 ~~(c) The large number of governmental entities that now have
13 regulatory programs affecting the water quality of Puget Sound have
14 diverse interests and limited jurisdictions that cannot adequately
15 address the cumulative, wide ranging impacts that contribute to the
16 degradation of Puget Sound; and~~

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

21 ~~(2) It is therefore the policy of the state of Washington to
22 coordinate the activities of state and local agencies by establishing
23 a biennial work plan that clearly delineates state and local actions
24 necessary to protect and restore the biological health and diversity of
25 Puget Sound. It is further the policy of the state to implement the
26 Puget Sound water quality management plan to the maximum extent
27 possible. To further the policy of the state, a recovery plan
28 developed under the federal endangered species act for a portion or all
29 of the Puget Sound shall be considered for inclusion into the Puget
30 Sound water quality management plan)).~~

31 (2) All levels of government need to work together in partnership
32 with the public, tribes, nongovernmental organizations, and the private
33 sector to ensure that the Puget Sound will be a thriving natural
34 system, with clean marine and freshwaters, healthy and abundant native
35 species, natural shorelines and places for public enjoyment, and a
36 vibrant economy that prospers in productive harmony with a healthy
37 Puget Sound.

1 NEW SECTION. **Sec. 2.** DEFINITIONS. The definitions in this
2 section apply throughout this chapter unless the context clearly
3 requires otherwise.

4 (1) "Action agenda" means the Puget Sound management plan as it
5 exists on the effective date of this section and as it is modified in
6 the future.

7 (2) "Board" means the implementation advisory board.

8 (3) "Committee" means the Puget Sound science advisory committee.

9 (4) "Council" means the leadership council.

10 (5) "Partnership" means the Puget Sound partnership.

11 (6) "Puget Sound" means Puget Sound and related inland marine
12 waterways, including all salt waters of the state of Washington inside
13 the international boundary line between Washington and British
14 Columbia, and lying east of the junction of the Pacific Ocean and the
15 Strait of Juan de Fuca, and the rivers and streams draining to Puget
16 Sound as mapped by water resource inventory areas 1 through 19 in WAC
17 173-500-040 as it exists on the effective date of this section.

18 NEW SECTION. **Sec. 3.** PUGET SOUND PARTNERSHIP--LEADERSHIP COUNCIL.

19 (1) An independent agency of state government to be known as the Puget
20 Sound partnership is created.

21 (2) The partnership shall be led by a leadership council consisting
22 of seven members appointed by the governor with the advice and consent
23 of the senate. The governor shall designate one member to serve as
24 chair. Three of the initial members shall be appointed for a term of
25 two years, two for a term of three years, and two for a term of four
26 years. Their successors shall be appointed for terms of four years
27 each, except that any person chosen to fill a vacancy shall be
28 appointed only for the unexpired term of the member whom he or she
29 succeeds. Councilmembers are eligible for reappointment. Any member
30 of the council may be removed by the governor.

31 (3) The leadership council shall have the power and duty to:

32 (a) Provide overall leadership and have overall responsibility for
33 the functions of the partnership and make final decisions for the
34 partnership;

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

37 (c) Allocate funds appropriated to the partnership;

- 1 (d) Determine compliance with the action agenda;
- 2 (e) Adopt procedural rules, in accordance with chapter 34.05 RCW,
3 necessary to carry out the purposes of this chapter;
- 4 (f) Apply the Washington's government management accountability and
5 performance process or similar accountability process to all levels of
6 government and any entity with responsibilities under the action
7 agenda, to determine compliance with the action agenda and achievement
8 of the results expected;
- 9 (g) Provide annual progress reports to the governor and the
10 legislature regarding the 2020 goals;
- 11 (h) Appoint members of the implementation advisory board, as
12 provided in section 5 of this act;
- 13 (i) Appoint members of the science advisory committee, as provided
14 in section 6 of this act;
- 15 (j) Create subcommittees, advisory committees, and not-for-profit
16 corporations, as appropriate to assist the council;
- 17 (k) Enter into, amend, and terminate contracts with individuals,
18 corporations, or research institutions to effectuate the purposes of
19 this chapter;
- 20 (l) Make grants to governmental and nongovernmental entities to
21 effectuate the purposes of this chapter;
- 22 (m) Receive such gifts, grants, and endowments, in trust or
23 otherwise, for the use and benefit of the partnership to effectuate the
24 purposes of this chapter. The partnership may expend the same or any
25 income therefrom according to the terms of the gifts, grants, and
26 endowments;
- 27 (n) Promote extensive public awareness, education, and
28 participation in Puget Sound protection and recovery;
- 29 (o) Receive and expend funding from other public agencies;
- 30 (p) Facilitate accountability and reporting obligations as set
31 forth in section 11 of this act;
- 32 (q) Develop a process to review and address citizen concerns
33 regarding action agenda development, and accountability for funding and
34 results under the action agenda;
- 35 (r) Participate actively in a nongovernmental private-public
36 partnership focused on public education, awareness, and promoting
37 fund-raising opportunities, to effectuate the goals in this chapter;

1 (s) Maintain complete and consolidated financial information to
2 ensure all funds received and expended are tracked and accounted for;
3 and

4 (t) Serve as the regional recovery organization for purposes of
5 chapter 77.85 RCW for Puget Sound salmon recovery.

6 (4) The council may delegate functions to the chair and to the
7 executive director, however the council may not delegate its decisional
8 authority regarding developing or amending the action agenda, and
9 issuing progress reports required under subsection (3) of this section.

10 (5) The council shall work closely with existing organizations and
11 all levels of government to ensure that the action agenda and its
12 implementation are scientifically sound, efficient, and achieve
13 necessary results.

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

20 (7) Members of the council shall be compensated in accordance with
21 RCW 43.03.220 and be reimbursed for travel expenses in accordance with
22 RCW 43.03.050 and 43.03.060.

23 NEW SECTION. **Sec. 4.** PARTNERSHIP--EXECUTIVE DIRECTOR--POWERS AND
24 DUTIES. (1) The partnership shall be administered by an executive
25 director who serves as a critical communication link between all levels
26 of government, the private sector, nongovernmental organizations, the
27 council, the board, and the committee. The executive director shall be
28 accountable to the council and the governor for effective
29 communication, actions, and results.

30 (2) The executive director shall be appointed by and serve at the
31 pleasure of the governor, in consultation with the council. The
32 governor shall consider the recommendations of the council when
33 appointing the executive director. The salary of the executive
34 director shall be set by the governor.

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

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

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

2 (c) To prepare and update the action agenda in accordance with the
3 goals and guidelines established by the council and in consultation
4 with the board;

5 (d) To develop a strategic science program as described in section
6 of this act, in consultation with the committee;

7 (e) To prepare a biennial science work plan as described in section
8 of this act, in consultation with the committee;

9 (f) To develop, produce, and distribute a Puget Sound science
10 update no less than every four years, in consultation with the
11 committee;

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

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

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

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

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

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

31 NEW SECTION. **Sec. 5.** IMPLEMENTATION ADVISORY BOARD. (1) The
32 council shall appoint an implementation advisory board by October 1,
33 2007, consisting of, but not limited to:

34 (a) At least twelve local government representatives selected by
35 the local governments in each of the twelve counties of Puget Sound;

36 (b) Representatives of state agencies;

37 (c) Representatives of federal agencies;

1 (d) At least three tribal government representatives, selected by
2 Puget Sound tribes; and

3 (e) Representatives from business; natural resource industries such
4 as agriculture, aquaculture, and forestry; environmental organizations;
5 and others deemed necessary.

6 (2) In developing and implementing the action agenda under sections
7 8 and 9 of this act, the council and the executive director must confer
8 with and solicit input from the board and, to the maximum extent
9 possible, shall incorporate the recommendations of the board.

10 (3) Members of the board shall be reimbursed for travel expenses in
11 accordance with RCW 43.03.050 and 43.03.060.

12 NEW SECTION. **Sec. 6.** PUGET SOUND SCIENCE ADVISORY COMMITTEE--
13 SCIENCE WORK PLAN. (1) By January 31, 2008, the council shall create
14 the Puget Sound science advisory committee to advise the council and
15 the executive director in carrying out the obligations of the
16 partnership. The committee shall consist of no more than fifteen
17 members, appointed by the council based on nominations received from
18 the board, one of whom shall be appointed as chair. Committee
19 membership shall be representative of the technical experience and
20 scientific disciplines needed to protect and recover the Puget Sound
21 ecosystem. Members employed by federal, state, and local governments
22 shall serve without additional pay. Other members shall be compensated
23 in accordance with RCW 43.03.240 and shall be entitled to reimbursement
24 for travel expenses incurred in performance of their duties as members
25 of the committee in accordance with RCW 43.03.050 and 43.03.060.

26 (2) The committee should collaborate with other scientific groups
27 and consult other scientists in conducting its work. The council may,
28 on advice of the committee or by its own decision, consult the
29 Washington academy of sciences created in chapter 70.220 RCW to secure
30 independent scientific review of significant technical and scientific
31 issues related to its work.

32 (3) The committee shall assist the council and the executive
33 director in developing and regularly updating or revising the action
34 agenda. The committee may also recommend updates to the action agenda
35 as it deems appropriate based on new scientific information.

36 (4) The committee shall provide advice, review, and assistance to

1 the executive director in the development of a strategic science
2 program that includes, at a minimum:

3 (a) Continuation of the Puget Sound assessment and monitoring
4 program;

5 (b) Additional provisions of the research and modeling program to
6 be incorporated as an element of the action agenda; and

7 (c) A monitoring program, including baselines, protocols,
8 guidelines, and quantifiable performance measures.

9 (5) The committee shall provide advice, review, and assistance to
10 the executive director in the development of a biennial science work
11 plan that includes, at a minimum:

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

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

17 (c) A description of whether the ongoing work is addressing the
18 recommendations, and if not, identification of necessary actions to
19 fill gaps;

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

23 (e) Recommendations for improvements to the ongoing science work in
24 Puget Sound.

25 (6) The committee shall provide advice, review, and assistance to
26 the executive director in the development of a Puget Sound science
27 update that shall be produced at least every four years. The update
28 shall describe the current scientific understanding of various physical
29 attributes of Puget Sound. The update shall serve as the scientific
30 basis for the refinement of key indicators of the health of Puget Sound
31 and the status and trends of those indicators within the ecosystem
32 framework.

33 NEW SECTION. **Sec. 7.** ACTION AGENDA--GOALS. The action agenda
34 that is to be implemented under this chapter shall strive to achieve
35 the following goals:

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

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

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

5 (4) A healthy Puget Sound where freshwater, estuary, nearshore,
6 marine, and upland habitats are protected, restored, and sustained;

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

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

14 NEW SECTION. **Sec. 8.** ACTION AGENDA--DEVELOPMENT. (1) In
15 developing the action agenda, the council shall consider and use
16 appropriate portions of the Puget Sound water quality management plan
17 existing on the effective date of this section. The action agenda
18 shall include a comprehensive list of actions necessary to achieve the
19 goals described in section 7 of this act. Until the action agenda is
20 adopted, the existing Puget Sound management plan and the 2007-2009
21 Puget Sound biennial plan shall remain in effect. The existing Puget
22 Sound management plan shall also continue to serve as the comprehensive
23 conservation and management plan for the purposes of the national
24 estuary program described in section 320 of the federal clean water
25 act, until replaced by the action agenda and approved by the United
26 States environmental protection agency as the new comprehensive
27 conservation and management plan.

28 (2) The council shall work with local governments, watershed
29 groups, and marine and shoreline groups to foster commitment and
30 accountability for action and results at the community level. The
31 council shall work with these local groups to ensure each local area of
32 the Puget Sound has a clear organizational structure to:

33 (a) Oversee development and implementation of local salmon,
34 shoreline, water quality, and water quantity plans in accordance with
35 the action agenda;

36 (b) Refine and implement actions, measure results, and make
37 adjustments where necessary to local plans;

1 (c) Expand public understanding and coordinate educational efforts
2 consistent with the action agenda; and

3 (d) Support and coordinate with organizations to provide volunteer
4 opportunities.

5 (3) The action agenda shall:

6 (a) Describe the problems affecting Puget Sound's health using
7 supporting scientific data;

8 (b) Set overall goals, measurable outcomes specifically describing
9 what will be achieved, how it will be quantified, and how progress
10 towards outcomes will be measured, and time-bound benchmarks that will
11 specify the targeted steps needed to reach a healthy Puget Sound by
12 2020;

13 (c) Identify and prioritize the strategies and actions necessary to
14 restore and protect the Puget Sound;

15 (d) Identify the agency, entity, or person responsible for
16 completing the necessary action; and

17 (e) Establish deadlines for the completion of the necessary actions
18 describing where achieving certain goals will require timelines beyond
19 2020 to achieve.

20 (4) The action agenda shall also:

21 (a) Address all geographic areas of Puget Sound including upland
22 areas and tributary rivers and streams that affect Puget Sound, and
23 specific action agenda sections may address specific geographic areas
24 of Puget Sound;

25 (b) Evaluate the effectiveness and efficiency of the overall
26 management system for the improvement and maintenance of the health of
27 the Puget Sound ecosystem.

28 (c) Review, revise as needed, and incorporate as they are
29 developed, the committee's ecosystem goals and quantifiable measures;

30 (d) Establish near-term and long-term benchmarks that demonstrate
31 progress in achieving action agenda goals and describe how progress is
32 to be tracked through clear and quantifiable measures that are included
33 in the action agenda;

34 (e) Integrate the recovery plans for salmon, orca, and other
35 species in Puget Sound listed under the federal endangered species act;

36 (f) Integrate, where appropriate, provisions of water quantity,
37 watershed, marine resource, and other watershed plans; and

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

3 (5) 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 (6) 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 four 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 (7) The council shall involve the board created in section 5 of
18 this act early in the development of the action agenda and all
19 subsequent revisions. The council and board shall jointly develop a
20 schedule for board review of the proposed action agenda or revisions.

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

23 NEW SECTION. **Sec. 9.** ACTION AGENDA--IMPLEMENTATION--PERFORMANCE
24 AGREEMENT. (1) State agencies implementing elements of the action
25 agenda shall:

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

30 (b) Work with the partnership in the development of biennial budget
31 requests to be submitted to the governor for consideration in the
32 governor's biennial budget request. The agencies shall seek the
33 concurrence of the partnership in the proposed funding levels and
34 sources included in this proposed budget.

35 (2) If a state agency submits an amount different from that
36 developed in subsection (1)(a) of this section as part of its biennial
37 budget request, the partnership and state agency shall jointly identify

1 the differences and the reasons for these differences and present this
2 information to the office of financial management by October 1st of
3 each even-numbered year.

4 (3) Funds appropriated for implementation of the action agenda and
5 identified by proviso in the omnibus appropriations act pursuant to RCW
6 43.88.030(1)(g) shall not be expended before an interagency agreement
7 is entered between the partnership and the agency to whom the funds are
8 appropriated. The agreement shall establish performance measures for
9 the expenditures of the funds consistent with the responsibilities and
10 timelines under the action agenda, and require reporting and tracking
11 of funds expended. State agencies shall incorporate performance
12 requirements in their grant and loan programs to nonstate agencies or
13 organizations as they deem necessary. To avoid delays in expending
14 funds for priority Puget Sound plan work, the partnership shall
15 endeavor to provide draft performance agreements at least sixty days
16 before the beginning of the biennium, and the office of financial
17 management may approve expenditure of funds for budget-provisioned plan
18 activities before the execution of a performance agreement where it
19 determines that accelerating the expenditure would be beneficial to
20 accomplishing the action agenda.

21 NEW SECTION. **Sec. 10.** ACTION--IMPLEMENTATION--FUNDING
22 RECOMMENDATIONS. By September 1, 2008, the council shall provide to
23 the governor and the appropriate fiscal and policy committees of the
24 senate and house of representatives its recommendations for the funding
25 necessary to implement the action agenda, in order to achieve the 2020
26 goals of this chapter. The recommendations shall:

27 (1) Identify funding needs by plan element and identify the time
28 periods in which specific funding is needed;

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

31 (3) Identify methods to secure stable and sufficient funding
32 throughout the time periods for plan implementation, including
33 proposals for new sources of funding to be dedicated to Puget Sound
34 protection and recovery.

35 NEW SECTION. **Sec. 11.** CONFORMANCE WITH ACTION AGENDA--PERFORMANCE
36 MEASURES--REPORTS. (1) The legislature intends for all local, state,

1 and federal governmental entities to act in conformance with the action
2 agenda as adopted by the council. Good cause for an entity's
3 nonconformance exists if there is a lack of legal authority or a lack
4 of funding despite documented efforts taken to obtain necessary
5 funding.

6 (2) Any entity that receives state funds pursuant to a performance
7 agreement under section 9 of this act shall report annually to the
8 council on progress in completing its responsibilities under the
9 agreement and whether expected results have been achieved. The report
10 shall be in a form prescribed by the council and include data required
11 by the council. Where the council determines that an entity has taken
12 actions inconsistent with its performance agreement or has failed to
13 take actions required by its performance agreement, the partnership may
14 recommend to the governor and the legislature that further funding
15 under the action agenda be withheld or redirected pending compliance
16 with the performance agreement. The governor may direct the office of
17 financial management to withhold or rescind allotments under chapter
18 43.88 RCW to state agencies that are found to be out of compliance with
19 performance agreements under this section.

20 (3) Beginning November 1, 2008, the council shall report annually
21 each November 1st to the governor, the legislature, and the public on
22 progress under the action agenda. The report shall include an
23 assessment of whether entities that have received state funds for
24 action agenda-related actions have accomplished expected results.

25 (4) If expected results are not achieved by an entity receiving
26 state funds under a performance agreement, the partnership shall
27 recommend to the governor and the legislature other options to achieve
28 plan-related results with the same funds.

29 (5) The council shall review actions, where appropriate, of any
30 nonstate entity performing Puget Sound-related actions that are not
31 subject to a performance agreement under section 9 of this act. If the
32 partnership determines that an entity's actions are inconsistent with
33 the plan, the partnership shall offer technical assistance to the
34 entity for the purpose of bringing the entity into conformance with the
35 plan. The council shall include in the progress report the
36 nonperformance of any entity and those entities that refuse technical
37 assistance under this section. The report shall include a description

1 of how the entity is not in conformance and shall describe actions the
2 council took to try to bring the entity into conformance.

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

7 NEW SECTION. **Sec. 12.** TRANSFER OF POWERS, DUTIES, AND FUNCTIONS--
8 REFERENCES TO CHAIR OF THE PUGET SOUND ACTION TEAM. (1) The Puget
9 Sound action team is hereby abolished and its powers, duties, and
10 functions are hereby transferred to the Puget Sound partnership as
11 consistent with this chapter. All references to the chair or the Puget
12 Sound action team in the Revised Code of Washington shall be construed
13 to mean the executive director or the Puget Sound partnership.

14 (2)(a) All employees of the Puget Sound action team are transferred
15 to the jurisdiction of the Puget Sound partnership. The council and
16 executive director will decide whether or not to retain their services
17 as it makes decisions about its personnel needs.

18 (b) All reports, documents, surveys, books, records, files, papers,
19 or written material in the possession of the Puget Sound action team
20 shall be delivered to the custody of the Puget Sound partnership. All
21 cabinets, furniture, office equipment, motor vehicles, and other
22 tangible property employed by the Puget Sound action team shall be made
23 available to the Puget Sound partnership. All funds, credits, or other
24 assets held by the Puget Sound action team shall be assigned to the
25 Puget Sound partnership.

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

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

35 (3) All rules and all pending business before the Puget Sound
36 action team shall be continued and acted upon by the Puget Sound

1 partnership. All existing contracts and obligations shall remain in
2 full force and shall be performed by the Puget Sound partnership.

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

6 (5) If apportionments of budgeted funds are required because of the
7 transfers directed by this section, the director of financial
8 management shall certify the apportionments to the agencies affected,
9 the state auditor, and the state treasurer. Each of these shall make
10 the appropriate transfer and adjustments in funds and appropriation
11 accounts and equipment records in accordance with the certification.

12 (6) Nothing contained in this section may be construed to alter any
13 existing collective bargaining unit or the provisions of any existing
14 collective bargaining agreement until the agreement has expired or
15 until the bargaining unit has been modified by action of the public
16 employment relations commission as provided by law.

17 NEW SECTION. **Sec. 13.** CAPTIONS NOT LAW. Captions used in this
18 chapter are not any part of the law.

19 **Sec. 14.** RCW 90.71.100 and 2001 c 273 s 3 are each amended to read
20 as follows:

21 (1) The (~~action team~~) department of health shall establish a
22 shellfish - on-site sewage grant program in Puget Sound and for Pacific
23 and Grays Harbor counties. The (~~action team~~) department of health
24 shall provide funds to local health jurisdictions to be used as grants
25 to individuals for improving their on-site sewage systems. The grants
26 may be provided only in areas that have the potential to adversely
27 affect water quality in commercial and recreational shellfish growing
28 areas. A recipient of a grant shall enter into an agreement with the
29 appropriate local health jurisdiction to maintain the improved on-site
30 sewage system according to specifications required by the local health
31 jurisdiction. The (~~action team~~) department of health shall work
32 closely with local health jurisdictions and shall endeavor to attain
33 geographic equity between Willapa Bay and the Puget Sound when making
34 funds available under this program. For the purposes of this
35 subsection, "geographic equity" means issuing on-site sewage grants at

1 a level that matches the funds generated from the oyster reserve lands
2 in that area.

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

5 (a) Identified as "areas of special concern" under WAC 246-272-
6 01001; or

7 (b) Included within a shellfish protection district under chapter
8 90.72 RCW.

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

13 (4) The ((~~action team~~)) department of health and each participating
14 local health jurisdiction shall enter into a memorandum of
15 understanding that will establish an applicant income eligibility
16 requirement for individual grant applicants from within the
17 jurisdiction and other mutually agreeable terms and conditions of the
18 grant program.

19 (5) The ((~~action team~~)) department of health may recover the costs
20 to administer this program not to exceed ten percent of the shellfish
21 - on-site sewage grant program.

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

27 NEW SECTION. Sec. 15. A new section is added to chapter 41.06 RCW
28 to read as follows:

29 In addition to the exemptions under RCW 41.06.070, the provisions
30 of this chapter shall not apply in the Puget Sound partnership to the
31 executive director, one confidential secretary, and all professional
32 staff.

33 Sec. 16. RCW 43.17.010 and 2006 c 265 s 111 are each amended to
34 read as follows:

35 There shall be departments of the state government which shall be
36 known as (1) the department of social and health services, (2) the

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

14 **Sec. 17.** RCW 43.17.020 and 2006 c 265 s 112 are each amended to
15 read as follows:

16 There shall be a chief executive officer of each department to be
17 known as: (1) The secretary of social and health services, (2) the
18 director of ecology, (3) the director of labor and industries, (4) the
19 director of agriculture, (5) the director of fish and wildlife, (6) the
20 secretary of transportation, (7) the director of licensing, (8) the
21 director of general administration, (9) the director of community,
22 trade, and economic development, (10) the director of veterans affairs,
23 (11) the director of revenue, (12) the director of retirement systems,
24 (13) the secretary of corrections, (14) the secretary of health, (15)
25 the director of financial institutions, (16) the director of the
26 department of archaeology and historic preservation, (~~and~~) (17) the
27 director of early learning, and (18) the executive director of the
28 Puget Sound partnership.

29 Such officers, except the director of fish and wildlife, shall be
30 appointed by the governor, with the consent of the senate, and hold
31 office at the pleasure of the governor. The director of fish and
32 wildlife shall be appointed by the fish and wildlife commission as
33 prescribed by RCW 77.04.055.

34 **Sec. 18.** RCW 42.17.2401 and 2006 c 265 s 113 are each amended to
35 read as follows:

1 For the purposes of RCW 42.17.240, the term "executive state
2 officer" includes:

3 (1) The chief administrative law judge, the director of
4 agriculture, the administrator of the Washington basic health plan, the
5 director of the department of services for the blind, the director of
6 the state system of community and technical colleges, the director of
7 community, trade, and economic development, the secretary of
8 corrections, the director of early learning, the director of ecology,
9 the commissioner of employment security, the chair of the energy
10 facility site evaluation council, the secretary of the state finance
11 committee, the director of financial management, the director of fish
12 and wildlife, the executive secretary of the forest practices appeals
13 board, the director of the gambling commission, the director of general
14 administration, the secretary of health, the administrator of the
15 Washington state health care authority, the executive secretary of the
16 health care facilities authority, the executive secretary of the higher
17 education facilities authority, the executive secretary of the horse
18 racing commission, the executive secretary of the human rights
19 commission, the executive secretary of the indeterminate sentence
20 review board, the director of the department of information services,
21 the director of the interagency committee for outdoor recreation, the
22 executive director of the state investment board, the director of labor
23 and industries, the director of licensing, the director of the lottery
24 commission, the director of the office of minority and women's business
25 enterprises, the director of parks and recreation, the director of
26 personnel, the executive director of the public disclosure commission,
27 the executive director of the Puget Sound partnership, the director of
28 retirement systems, the director of revenue, the secretary of social
29 and health services, the chief of the Washington state patrol, the
30 executive secretary of the board of tax appeals, the secretary of
31 transportation, the secretary of the utilities and transportation
32 commission, the director of veterans affairs, the president of each of
33 the regional and state universities and the president of The Evergreen
34 State College, and each district and each campus president of each
35 state community college;

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

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

1 (4) Central Washington University board of trustees, board of
2 trustees of each community college, each member of the state board for
3 community and technical colleges, state convention and trade center
4 board of directors, committee for deferred compensation, Eastern
5 Washington University board of trustees, Washington economic
6 development finance authority, The Evergreen State College board of
7 trustees, executive ethics board, forest practices appeals board,
8 forest practices board, gambling commission, life sciences discovery
9 fund authority board of trustees, Washington health care facilities
10 authority, each member of the Washington health services commission,
11 higher education coordinating board, higher education facilities
12 authority, horse racing commission, state housing finance commission,
13 human rights commission, indeterminate sentence review board, board of
14 industrial insurance appeals, information services board, interagency
15 committee for outdoor recreation, state investment board, commission on
16 judicial conduct, legislative ethics board, liquor control board,
17 lottery commission, marine oversight board, Pacific Northwest electric
18 power and conservation planning council, parks and recreation
19 commission, (~~personnel appeals board,~~) board of pilotage
20 commissioners, pollution control hearings board, public disclosure
21 commission, public pension commission, shorelines hearing board, public
22 employees' benefits board, salmon recovery funding board, board of tax
23 appeals, transportation commission, University of Washington board of
24 regents, utilities and transportation commission, Washington state
25 maritime commission, Washington personnel resources board, Washington
26 public power supply system executive board, Washington State University
27 board of regents, Western Washington University board of trustees, and
28 fish and wildlife commission.

29 NEW SECTION. **Sec. 19.** A new section is added to chapter 77.85 RCW
30 to read as follows:

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

33 (2) Lead entities within a salmon recovery region that agree to
34 form a regional salmon recovery organization may be recognized by the
35 salmon recovery office as a regional recovery organization. The
36 regional recovery organization may plan, coordinate, and monitor the
37 implementation of a regional recovery plan in accordance with RCW

1 77.85.150. Regional recovery organizations existing as of July 24,
2 2005, that have developed draft recovery plans approved by the
3 governor's salmon recovery office by July 1, 2005, may continue to
4 plan, coordinate, and monitor the implementation of regional recovery
5 plans.

6 (3) The Puget Sound partnership created under chapter 90.71 RCW
7 shall serve as the regional salmon recovery organization for Puget
8 Sound salmon species.

9 NEW SECTION. **Sec. 20.** RCW 90.71.902 and 90.71.903 are each
10 decodified.

11 NEW SECTION. **Sec. 21.** RCW 90.71.100 is recodified as a new
12 section in chapter 70.118 RCW.

13 NEW SECTION. **Sec. 22.** The following acts or parts of acts are
14 each repealed:

- 15 (1) RCW 90.71.010 (Definitions) and 1996 c 138 s 2;
- 16 (2) RCW 90.71.015 (Environmental excellence program agreements--
17 Effect on chapter) and 1997 c 381 s 30;
- 18 (3) RCW 90.71.020 (Puget Sound action team) and 1998 c 246 s 14 &
19 1996 c 138 s 3;
- 20 (4) RCW 90.71.030 (Puget Sound council) and 1999 c 241 s 3 & 1996
21 c 138 s 4;
- 22 (5) RCW 90.71.040 (Chair of action team) and 1996 c 138 s 5;
- 23 (6) RCW 90.71.050 (Work plans) and 1998 c 246 s 15 & 1996 c 138 s
24 6;
- 25 (7) RCW 90.71.060 (Puget Sound research and monitoring) and 1996 c
26 138 s 7;
- 27 (8) RCW 90.71.070 (Work plan implementation) and 1996 c 138 s 8;
- 28 (9) RCW 90.71.080 (Public participation) and 1996 c 138 s 9;
- 29 (10) RCW 90.71.900 (Short title--1996 c 138) and 1996 c 138 s 15;
- 30 and
- 31 (11) RCW 90.71.901 (Captions not law) and 1996 c 138 s 14.

32 NEW SECTION. **Sec. 23.** Sections 2 through 13 of this act are each
33 added to chapter 90.71 RCW.

1 NEW SECTION. **Sec. 24.** 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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