

ESHB 1317 - S COMM AMD

By Committee on Natural Resources, Energy & Water

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** The legislature finds that the trust water
4 rights program is an important tool in meeting the state's current and
5 future needs for water, both instream and out-of-stream. However, the
6 legislature finds that the existing procedures for establishing trust
7 water rights are unnecessarily complex, and are difficult to explain
8 and administer. Further, the legislature finds that groups currently
9 developing local watershed plans and regional water management programs
10 are seeking an effective means to facilitate multiple, voluntary
11 transfers of existing water rights to address presently unmet needs and
12 future needs.

13 It is the intent of this act to enhance the effectiveness of the
14 trust water rights program by improving existing incentives, removing
15 disincentives, and clarifying and consolidating procedures for
16 establishing trust water rights.

17 **Sec. 2.** RCW 90.42.005 and 1991 c 347 s 1 are each amended to read
18 as follows:

19 (1) It is the policy of the state of Washington to recognize and
20 preserve water rights in accordance with RCW 90.03.010 and the
21 beneficial uses of water described in RCW 90.54.020(1).

22 (2) The legislature finds that:

23 (a) The state of Washington is faced with a shortage of water with
24 which to meet existing and future needs, particularly during the summer
25 and fall months and in dry years when the demand is greatest;

26 (b) Consistent with RCW 90.54.180, conservation and water use
27 efficiency programs, (~~including~~) storage, and water right transfers
28 should be the preferred methods (~~of addressing water uses because they~~
29 ~~can relieve~~) to address current critical water situations, provide for

1 presently unmet needs, and assist in meeting future water needs.
2 Presently unmet needs or current needs includes the water required to
3 increase the frequency of occurrence of base or minimum flow levels in
4 streams of the state, the water necessary to satisfy existing water
5 rights, or the water necessary to provide full supplies to existing
6 water systems with current supply deficiencies, or as otherwise needed
7 to meet the needs of growing communities for adequate and reliable
8 water supplies, and to provide the water necessary to satisfy existing
9 water rights for other beneficial uses listed in RCW 90.54.020(1);
10 ((and))

11 (c) The interests of the state will be served by developing
12 programs and regional water resource plans, in cooperation with local
13 governments, federally recognized tribal governments, appropriate
14 federal agencies, private citizens, and the various water users and
15 water interests in the state, that increase the overall ability to
16 manage the state's waters in order to resolve conflicts and to better
17 satisfy both present and future needs for water, both instream and
18 out-of-stream;

19 (d) A state trust water rights program is an effective means to
20 facilitate the voluntary transfer of water and water rights,
21 established through conservation, purchase, lease, or donation, to
22 secure and preserve water rights and provide water for presently unmet
23 needs and emerging needs; and

24 (e) The trust water rights program improves the ability of the
25 state to work with the United States and the various water users in the
26 ongoing program to satisfy both existing rights and other presently
27 unmet as well as future needs of the Yakima basin, through improvements
28 to the existing federal water project in the Yakima river basin,
29 authorized under P.L. 96-162.

30 **Sec. 3.** RCW 90.42.020 and 1991 c 347 s 6 are each amended to read
31 as follows:

32 ((Unless the context clearly requires otherwise,)) The definitions
33 in this section apply throughout this chapter unless the context
34 clearly requires otherwise.

35 (1) "Department" means the department of ecology.

1 (2) "Impairment" means detriment or injury to existing rights as
2 that phrase is used in RCW 90.03.380(1).

3 (3) "Net water savings" means the amount of water that is
4 determined to be conserved and usable within or from a specified
5 ~~((stream reach or reaches))~~ surface or ground water body for other
6 purposes without impairment ~~((or detriment))~~ to water rights existing
7 at the time that a water conservation project is ~~((undertaken, reducing~~
8 ~~the ability to deliver water, or reducing the supply of water that~~
9 ~~otherwise would have been available to other existing water uses))~~
10 funded.

11 ~~((3))~~ (4) "Trust water right" means any existing water right
12 ~~((acquired))~~ transferred to or managed by the state under this chapter
13 ~~((for management in))~~ and the state's trust water rights program.

14 ~~((4) "Pilot planning areas" means the geographic areas designated~~
15 ~~under RCW 90.54.045(2)).~~

16 ~~(5) "Water conservation project" means any project or program that~~
17 ~~achieves physical or operational improvements that provide for~~
18 ~~increased water use efficiency in existing systems of diversion,~~
19 ~~conveyance, application, or use of water under water rights existing on~~
20 ~~July 28, 1991.))~~

21 NEW SECTION. Sec. 4. A new section is added to chapter 90.42 RCW
22 to read as follows:

23 (1) All trust water established by the state must be placed in the
24 state trust water rights program to be held in trust by the department.
25 Trust water rights established by the state must be held or authorized
26 for use by the department for any beneficial use described in RCW
27 90.54.020(1). Trust water rights may also be established for the
28 protection of water rights secured for mitigation purposes and for
29 preservation of water rights for future needs.

30 (2) Trust water rights may only be established from existing water
31 rights, including rights to divert or withdraw water under existing
32 certificates, claims, and permits, and rights to storage and use of
33 stored water from existing reservoir and secondary use rights, or other
34 appropriate means other than by condemnation.

35 (3) Trust water rights must be administered by the department.
36 Each trust water right must be administered in strict accordance with

1 the terms under which the trust water right was established, including
2 any agreement between the parties executed at the time the trust water
3 right was established, or as subsequently modified by mutual agreement
4 of the parties. For example, a trust water right established by the
5 state expressly conditioned to limit its use to instream flows must be
6 managed as a trust water right in compliance with that condition.

7 (4) To the extent practicable and subject to legislative
8 appropriation, trust water rights established in a watershed with an
9 approved watershed plan developed under chapter 90.82 RCW must be used
10 in a manner consistent with that plan.

11 (5) The department may make arrangements, including entry into
12 contracts with other persons or entities as appropriate, to ensure that
13 trust water rights established in accordance with this chapter can be
14 exercised to the fullest possible extent consistent with applicable
15 state laws.

16 (6) The department shall cooperate fully with the United States in
17 the implementation of this chapter. Trust water rights may be
18 established through expenditure of funds provided by the United States
19 and must be treated in the same manner as trust water rights
20 established as a result of the expenditure of state funds.

21 (7) All trust water rights must be managed to ensure that
22 attributes of each water right, such as its priority date, status as a
23 certificate, permit, or claim, names or numbers used to identify the
24 water right, and previously authorized uses remain distinct for each
25 water right established as a trust water right.

26 NEW SECTION. **Sec. 5.** A new section is added to chapter 90.42 RCW
27 to read as follows:

28 (1) A trust water right may be established on a temporary or
29 permanent basis. To establish a permanent trust water right, the water
30 right must be conveyed to the state of Washington. A water right
31 transferred to the trust water program on a temporary basis may not be
32 conveyed to the state of Washington and remains the property of the
33 water right holder while managed by the department in the trust water
34 program consistent with the terms of any agreement between the water
35 right holder and the department.

1 (2) All or a portion of a water right perfected through actual
2 beneficial use or an unperfected water right in good standing can be
3 established as a trust water right. Once established by the state,
4 such a right is a trust water right.

5 (3) The department shall develop forms for use in the establishment
6 of trust water rights to gather information pertaining to the water
7 right including, but not limited to, the existing purpose, place of
8 use, and point of diversion or withdrawal of the right, extent of water
9 use under the right, and the use or uses proposed for the right as a
10 trust water right.

11 (4) Except as provided in RCW 90.03.380(4) and 90.44.100(5), the
12 provisions of RCW 90.03.380 and 90.44.100 apply to trust water right
13 transfers under this chapter.

14 (5) Acceptance of an existing right as a temporary trust water
15 right under this chapter does not constitute a determination of the
16 validity and extent of an existing water right.

17 (6) If the holder of a right to water from a body of water chooses
18 to donate all or a portion of the person's water right to the trust
19 water program to assist in providing instream flows on a temporary or
20 permanent basis, the department shall accept the donation on such terms
21 as the person may prescribe as long as the donation satisfies the
22 applicable requirements of this chapter, and the terms prescribed are
23 relevant and material to protecting any interest in the water right
24 retained by the donor. Once accepted, such rights are trust water
25 rights within the conditions prescribed by the donor.

26 (7) The department shall establish expedited notice provisions to
27 provide notice and opportunity for comment on proposals to establish
28 trust water rights during a formally declared drought.

29 (8)(a) The quantity of water that may be approved for transfer to
30 the trust water program represents the extent to which water use under
31 the original right is reduced or foregone under the trust transfer,
32 resulting in a net benefit to the water body as a result of
33 establishing the trust water right, and resulting from:

34 (i) Reduced diversion or withdrawal of water under the original
35 right as a result of a water conservation project;

36 (ii) A reduction in the number of acres irrigated under the right,

1 or a long-term change in the type of crop grown that will require less
2 water;

3 (iii) A reduction in the period of use of the right, on a seasonal
4 basis, during periods of low stream flows, or according to conditions
5 prescribed for the trust water right;

6 (iv) The elimination of water use under the original right;

7 (v) A downstream change in point of diversion of a water right that
8 results in increased flows in the reach of the stream affected by the
9 change;

10 (vi) The temporary or permanent use of different source of supply
11 to meet all or a portion of the water needs under the original right;
12 or

13 (vii) Other appropriate changes in activities under the original
14 right, as agreed to between the water right holder and the department.

15 (b) Where the state establishes a trust water right from a portion
16 of an existing water right, only the portion of the right to be placed
17 in the trust water rights program is subject to the provisions of this
18 chapter. In the case of a trust transfer, the quantity of the trust
19 water right and the water right remaining with the water right holder
20 is reflected in the superseding document issued to the water right
21 holder by the department, and the superseding document issued by the
22 department must be conditioned to ensure that the reduced water use is
23 achieved.

24 (9) Where the department provides funding for a water conservation
25 project as a means of establishing a trust water right, a trust water
26 right must be established for the period of time during which the
27 conservation project is in effect. For example, a conservation project
28 with a functional life of fifteen years would result in a trust
29 transfer of fifteen years. Before the expenditure of state funds for
30 a water conservation project, the state and the water right holder
31 shall agree on the terms and duration of the trust water transfer as a
32 result of a conservation project.

33 NEW SECTION. **Sec. 6.** A new section is added to chapter 90.42 RCW
34 to read as follows:

35 (1) Except as provided in subsection (2) of this section, a

1 temporary trust water right is established after the following actions
2 occur:

3 (a) The water right holder provides written notice to the
4 department of their intention to establish a temporary trust water
5 right;

6 (b) The water right holder publishes a legal notice prescribed by
7 the department describing the temporary trust transfer and other
8 details deemed necessary by the department. The legal notice must
9 state that a water right holder wishing to assert a claim of impairment
10 of their water right may do so by filing the claim with the department,
11 and shall specify the deadline for doing so. The legal notice must be
12 published once a week for two consecutive weeks in a newspaper of
13 general circulation in the area in which the temporary trust water
14 right would be established; and

15 (c) Within thirty days of the last date of publication of the legal
16 notice, no claims of impairment are filed with the department relating
17 to the proposed temporary trust water right. If any claims of
18 impairment are filed with the department, the department shall make a
19 determination regarding the impairment claim or claims and shall issue
20 its determination in writing, stating either that it finds that there
21 will be impairment (a "finding of impairment") or that it finds there
22 will not be impairment (a "finding of no impairment"). The
23 department's written determination may be appealed to the pollution
24 control hearings board as provided in chapter 43.21B RCW or other
25 applicable law.

26 (2) Notwithstanding the provisions of subsection (1) of this
27 section, a temporary trust water right may be established by a superior
28 court conducting a water rights adjudication under chapter 90.03 RCW.

29 (3) Upon the expiration of the period of time for which a temporary
30 trust water right is established, the full perfected and unperfected
31 quantities of water established as a temporary trust water right revert
32 to the water right holder, with the priority date of the original water
33 right.

34 NEW SECTION. **Sec. 7.** A new section is added to chapter 90.42 RCW
35 to read as follows:

1 (1)(a) After notice and consideration of comments received, the
2 department shall issue a final decision regarding the establishment of
3 a permanent trust water right.

4 (b) The department shall provide copies of its final decision to
5 the applicant and to any person or entity who provided comments on the
6 proposed permanent trust water right transfer. The department's final
7 decision on establishment of a permanent trust water right is
8 appealable to the pollution control hearings board under RCW 43.21B.230
9 or other applicable law.

10 (2) The department shall issue a certificate of change or transfer
11 as required under RCW 90.03.380(1) for any water right established as
12 a permanent trust water right and order approving a trust water right
13 transfer. Certificates of change or transfer issued under RCW
14 90.03.380 must be filed and made a record with the department of
15 ecology, and a duplicate certificate must be issued to the applicant,
16 which may be filed with the appropriate county auditor in like manner
17 and with the same effect as provided in the original authorization to
18 divert water.

19 (3) The department may require a final investigation prior to
20 issuing a superseding certificate for water rights for which the
21 department has issued a certificate of change or transfer under this
22 section and under RCW 90.03.380(1), and shall issue a superseding
23 certificate for such water right only when and to the extent water has
24 been applied to actual beneficial use as described in the certificate
25 of change or transfer issued under RCW 90.03.380(1).

26 (4) Where only a portion of an existing right is established as a
27 permanent trust water right, the department shall issue a superseding
28 certificate or permit to the original water right holder or, with
29 respect to water claims, issue a superseding certificate or permit only
30 for the perfected portion of a claim as demonstrated through actual
31 beneficial use of water. The superseding document must indicate the
32 quantity of water remaining with the original right holder.

33 NEW SECTION. **Sec. 8.** A new section is added to chapter 90.42 RCW
34 to read as follows:

35 No state funds may be expended to establish trust water rights by
36 the state under this chapter unless specifically appropriated for this

1 purpose by the legislature. Prior to expending state or federal funds
2 for a trust water right, the department shall exercise appropriate due
3 diligence, as practiced by other water right purchasers, to ensure the
4 validity of the water right or portion thereof for which the funds will
5 be expended.

6 NEW SECTION. **Sec. 9.** A new section is added to chapter 90.42 RCW
7 to read as follows:

8 A water right conveyed to the trust water right program as a
9 donation that is expressly conditioned to limit its use to instream
10 purposes must be managed by the department for public purposes to
11 ensure that it qualifies as a donation that is deductible for federal
12 income taxation purposes for the person or entity conveying the water
13 right.

14 NEW SECTION. **Sec. 10.** A new section is added to chapter 90.42 RCW
15 to read as follows:

16 The water right relinquishment provisions of RCW 90.14.130 through
17 90.14.230 do not apply to trust water rights as of the date the trust
18 water right is established.

19 NEW SECTION. **Sec. 11.** A new section is added to chapter 90.42 RCW
20 to read as follows:

21 Nothing in this chapter authorizes the impairment of, or operates
22 to impair, any existing water rights.

23 NEW SECTION. **Sec. 12.** A new section is added to chapter 90.42 RCW
24 to read as follows:

25 (1) When water is proposed to be provided to the department as a
26 trust water right by an irrigation district, evidence of the district's
27 authority to represent the water right holders must be submitted to,
28 and for the satisfaction of, the department.

29 (2) The department may not establish a trust water right from an
30 individual's water right under this chapter that is appurtenant to land
31 lying within an irrigation district without the approval of the board
32 of directors of the irrigation district.

1 **Sec. 13.** RCW 90.03.380 and 2001 c 237 s 5 are each amended to read
2 as follows:

3 (1) The right to the use of water which has been applied to a
4 beneficial use in the state shall be and remain appurtenant to the land
5 or place upon which the same is used: PROVIDED, HOWEVER, That the
6 right may be transferred to another or to others and become appurtenant
7 to any other land or place of use without loss of priority of right
8 theretofore established if such change can be made without detriment or
9 injury to existing rights. The point of diversion of water for
10 beneficial use or the purpose of use may be changed, if such change can
11 be made without detriment or injury to existing rights. A change in
12 the place of use, point of diversion, and/or purpose of use of a water
13 right to enable irrigation of additional acreage or the addition of new
14 uses may be permitted if such change results in no increase in the
15 annual consumptive quantity of water used under the water right. For
16 purposes of this section, "annual consumptive quantity" means the
17 estimated or actual annual amount of water diverted pursuant to the
18 water right, reduced by the estimated annual amount of return flows,
19 averaged over the two years of greatest use within the most recent
20 five-year period of continuous beneficial use of the water right.
21 Before any transfer of such right to use water or change of the point
22 of diversion of water or change of purpose of use can be made, any
23 person having an interest in the transfer or change, shall file a
24 written application therefor with the department, and the application
25 shall not be granted until notice of the application is published as
26 provided in RCW 90.03.280. If it shall appear that such transfer or
27 such change may be made without injury or detriment to existing rights,
28 the department shall issue to the applicant a certificate in duplicate
29 granting the right for such transfer or for such change of point of
30 diversion or of use. The certificate so issued shall be filed and be
31 made a record with the department and the duplicate certificate issued
32 to the applicant may be filed with the county auditor in like manner
33 and with the same effect as provided in the original certificate or
34 permit to divert water.

35 (2) If an application for change proposes to transfer water rights
36 from one irrigation district to another, the department shall, before
37 publication of notice, receive concurrence from each of the irrigation

1 districts that such transfer or change will not adversely affect the
2 ability to deliver water to other landowners or impair the financial
3 integrity of either of the districts.

4 (3) A change in place of use by an individual water user or users
5 of water provided by an irrigation district need only receive approval
6 for the change from the board of directors of the district if the use
7 of water continues within the irrigation district, and when water is
8 provided by an irrigation entity that is a member of a board of joint
9 control created under chapter 87.80 RCW, approval need only be received
10 from the board of joint control if the use of water continues within
11 the area of jurisdiction of the joint board and the change can be made
12 without detriment or injury to existing rights.

13 (4) The requirements of this section ((shall)) do not apply to
14 trust water rights ((acquired by the state through the funding of water
15 conservation projects under chapter 90.38 RCW or RCW 90.42.010 through
16 90.42.070)) established on a temporary basis under chapter 90.42 RCW
17 unless such rights are transferred to another person.

18 (5)(a) Pending applications for new water rights are not entitled
19 to protection from impairment, injury, or detriment when an application
20 relating to an existing surface or ground water right is considered.

21 (b) Applications relating to existing surface or ground water
22 rights may be processed and decisions on them rendered independently of
23 processing and rendering decisions on pending applications for new
24 water rights within the same source of supply without regard to the
25 date of filing of the pending applications for new water rights.

26 (c) Notwithstanding any other existing authority to process
27 applications, including but not limited to the authority to process
28 applications under WAC 173-152-050 as it existed on January 1, 2001, an
29 application relating to an existing surface or ground water right may
30 be processed ahead of a previously filed application relating to an
31 existing right when sufficient information for a decision on the
32 previously filed application is not available and the applicant for the
33 previously filed application is sent written notice that explains what
34 information is not available and informs the applicant that processing
35 of the next application will begin. The previously filed application
36 does not lose its priority date and if the information is provided by

1 the applicant within sixty days, the previously filed application shall
2 be processed at that time. This subsection (5)(c) does not affect any
3 other existing authority to process applications.

4 (d) Nothing in this subsection (5) is intended to stop the
5 processing of applications for new water rights.

6 (6) No applicant for a change, transfer, or amendment of a water
7 right may be required to give up any part of the applicant's valid
8 water right or claim to a state agency, the trust water rights program,
9 or to other persons as a condition of processing the application.

10 (7) In revising the provisions of this section and adding
11 provisions to this section by chapter 237, Laws of 2001, the
12 legislature does not intend to imply legislative approval or
13 disapproval of any existing administrative policy regarding, or any
14 existing administrative or judicial interpretation of, the provisions
15 of this section not expressly added or revised.

16 **Sec. 14.** RCW 90.44.100 and 1997 c 316 s 2 are each amended to read
17 as follows:

18 (1) After an application to, and upon the issuance by the
19 department of an amendment to the appropriate permit or certificate of
20 ground water right, the holder of a valid right to withdraw public
21 ground waters may, without losing the holder's priority of right,
22 construct wells or other means of withdrawal at a new location in
23 substitution for or in addition to those at the original location, or
24 the holder may change the manner or the place of use of the water.

25 (2) An amendment to construct replacement or a new additional well
26 or wells at a location outside of the location of the original well or
27 wells or to change the manner or place of use of the water shall be
28 issued only after publication of notice of the application and findings
29 as prescribed in the case of an original application. Such amendment
30 shall be issued by the department only on the conditions that: (a) The
31 additional or replacement well or wells shall tap the same body of
32 public ground water as the original well or wells; (b) where a
33 replacement well or wells is approved, the use of the original well or
34 wells shall be discontinued and the original well or wells shall be
35 properly decommissioned as required under chapter 18.104 RCW; (c) where
36 an additional well or wells is constructed, the original well or wells

1 may continue to be used, but the combined total withdrawal from the
2 original and additional well or wells shall not enlarge the right
3 conveyed by the original permit or certificate; and (d) other existing
4 rights shall not be impaired. The department may specify an approved
5 manner of construction and shall require a showing of compliance with
6 the terms of the amendment, as provided in RCW 90.44.080 in the case of
7 an original permit.

8 (3) The construction of a replacement or new additional well or
9 wells at the location of the original well or wells shall be allowed
10 without application to the department for an amendment. However, the
11 following apply to such a replacement or new additional well: (a) The
12 well shall tap the same body of public ground water as the original
13 well or wells; (b) if a replacement well is constructed, the use of the
14 original well or wells shall be discontinued and the original well or
15 wells shall be properly decommissioned as required under chapter 18.104
16 RCW; (c) if a new additional well is constructed, the original well or
17 wells may continue to be used, but the combined total withdrawal from
18 the original and additional well or wells shall not enlarge the right
19 conveyed by the original water use permit or certificate; (d) the
20 construction and use of the well shall not interfere with or impair
21 water rights with an earlier date of priority than the water right or
22 rights for the original well or wells; (e) the replacement or
23 additional well shall be located no closer than the original well to a
24 well it might interfere with; (f) the department may specify an
25 approved manner of construction of the well; and (g) the department
26 shall require a showing of compliance with the conditions of this
27 subsection (3).

28 (4) As used in this section, the "location of the original well or
29 wells" is the area described as the point of withdrawal in the original
30 public notice published for the application for the water right for the
31 well.

32 (5) The requirements of this section do not apply to trust water
33 rights established on a temporary basis under chapter 90.42 RCW unless
34 such rights are transferred to another person.

35 NEW SECTION. Sec. 15. The following acts or parts of acts are
36 each repealed:

- 1 (1) RCW 90.38.005 (Findings--Purpose) and 1989 c 429 s 1;
- 2 (2) RCW 90.38.010 (Definitions) and 1989 c 429 s 2;
- 3 (3) RCW 90.38.020 (Acquisition or donation of trust water rights)
- 4 and 2002 c 329 s 7, 2001 c 237 s 28, & 1989 c 429 s 3;
- 5 (4) RCW 90.38.030 (Water conservation projects--Contracts for
- 6 financial assistance) and 1989 c 429 s 4;
- 7 (5) RCW 90.38.040 (Trust water rights program) and 2001 c 237 s 29,
- 8 1994 c 264 s 90, & 1989 c 429 s 5;
- 9 (6) RCW 90.38.050 (Rules) and 1989 c 429 s 6;
- 10 (7) RCW 90.38.900 (Existing policies not replaced) and 1989 c 429
- 11 s 7;
- 12 (8) RCW 90.38.901 (Transfer of rights between irrigation districts
- 13 not intended) and 1989 c 429 s 8;
- 14 (9) RCW 90.38.902 (Existing rights not impaired) and 1989 c 429 s
- 15 9;
- 16 (10) RCW 90.42.010 (Findings--Intent) and 1998 c 245 s 173;
- 17 (11) RCW 90.42.030 (Contracts to finance water conservation
- 18 projects--Public benefits--Trust water rights) and 1993 c 98 s 2 & 1991
- 19 c 347 s 7;
- 20 (12) RCW 90.42.040 (Trust water rights program--Water right
- 21 certificate--Notice of creation or modification) and 2002 c 329 s 8,
- 22 2001 c 237 s 30, 1993 c 98 s 3, & 1991 c 347 s 8;
- 23 (13) RCW 90.42.050 (Guidelines governing trust water rights--
- 24 Submission of guidelines to joint select committee) and 1991 c 347 s 9;
- 25 (14) RCW 90.42.070 (Involuntary impairment of existing water rights
- 26 not authorized) and 1991 c 347 s 11; and
- 27 (15) RCW 90.42.080 (Trust water rights--Acquisition, donation,
- 28 exercise, and transfer--Appropriation required for expenditure of
- 29 funds) and 2002 c 329 s 9, 2001 c 237 s 31, 1993 c 98 s 4, & 1991 c 347
- 30 s 12.

31 NEW SECTION. **Sec. 16.** If any provision of this act or its
32 application to any person or circumstance is held invalid, the
33 remainder of the act or the application of the provision to other
34 persons or circumstances is not affected.

1 NEW SECTION. **Sec. 17.** 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 immediately."

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By Committee on Natural Resources, Energy & Water

5 On page 1, line 1 of the title, after "program;" strike the
6 remainder of the title and insert "amending RCW 90.42.005, 90.42.020,
7 90.03.380, and 90.44.100; adding new sections to chapter 90.42 RCW;
8 creating a new section; repealing RCW 90.38.005, 90.38.010, 90.38.020,
9 90.38.030, 90.38.040, 90.38.050, 90.38.900, 90.38.901, 90.38.902,
10 90.42.010, 90.42.030, 90.42.040, 90.42.050, 90.42.070, and 90.42.080;
11 and declaring an emergency."

--- END ---