

(4) A deputy registrar shall be a registered voter (~~(and;)~~). Except for city and town clerks, each registrar shall hold office at the pleasure of the county auditor.

(5) The county auditor shall be the custodian of the official registration records of each precinct within that county. (~~The expenses of registration shall be apportioned between the county and cities or towns therein in the same manner as provided in RCW 29.07.030;~~)

Passed the House March 1, 1984.

Passed the Senate February 25, 1984.

Approved by the Governor March 27, 1984.

Filed in Office of Secretary of State March 27, 1984.

CHAPTER 212

[Substitute House Bill No. 1531]

FLOOD CONTROL

AN ACT Relating to flooding; amending section 3, chapter 240, Laws of 1951 and RCW 86.26.010; amending section 6, chapter 240, Laws of 1951 and RCW 86.26.040; amending section 7, chapter 240, Laws of 1951 and RCW 86.26.050; amending section 8, chapter 240, Laws of 1951 and RCW 86.26.060; amending section 10, chapter 240, Laws of 1951 and RCW 86.26.080; amending section 11, chapter 240, Laws of 1951 and RCW 86.26.090; amending section 12, chapter 240, Laws of 1951 and RCW 86.26.100; adding a new section to chapter 4.92 RCW; adding a new section to chapter 4.96 RCW; adding a new section to chapter 79.01 RCW; adding new sections to chapter 86.26 RCW; repealing section 4, chapter 195, Laws of 1969 ex. sess. and RCW 86.16.095; repealing section 4, chapter 240, Laws of 1951, section 2, chapter 84, Laws of 1961 and RCW 86.26.020; repealing section 5, chapter 240, Laws of 1951 and RCW 86.26.030; and repealing section 13, chapter 240, Laws of 1951, section 38, chapter 106, Laws of 1973 and RCW 86.26.110.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. There is added to chapter 86.26 RCW a new section to read as follows:

The flood control assistance account is hereby established in the general fund. At the beginning of each biennium after June 30, 1985, the state treasurer shall transfer from the general fund to the flood control assistance account an amount of money which, when combined with money remaining in the account from the previous biennium, will equal four million dollars. Moneys in the flood control assistance account may be spent only after appropriation for a specified list of projects under this chapter.

Sec. 2. Section 3, chapter 240, Laws of 1951 and RCW 86.26.010 are each amended to read as follows:

(~~There are created under the director of conservation, the division of flood control and the office of supervisor of flood control.~~) The (~~supervisor of flood control~~) department of ecology shall have charge for the state(;) of the administration and enforcement of all laws relating to flood control.

Sec. 3. Section 6, chapter 240, Laws of 1951 and RCW 86.26.040 are each amended to read as follows:

~~((Each local flood control engineer shall approve all plans for flood control maintenance projects within his jurisdiction; he shall supervise their construction and have control of and make the authorized expenditures therefor))~~ Whenever state grants under this chapter are used in a flood control maintenance project, the engineer of the county within which the project is located shall approve all plans for the project and shall supervise the work. The approval of such plans, construction and expenditures by the ~~((supervisor of flood control))~~ department of ecology, in consultation with the department of fisheries and the department of game, shall be a condition precedent to state participation in the cost of any project.

Sec. 4. Section 7, chapter 240, Laws of 1951 and RCW 86.26.050 are each amended to read as follows:

State participation shall be in such flood control maintenance projects as are affected with a general public and state interest, as differentiated from a private interest, and as are likely to bring about public benefits commensurate with the amount of state funds allocated thereto. No participation may occur with a county or other municipal corporation unless the director of ecology makes a finding that the county, city, or town having planning jurisdiction over the area where the flood control maintenance project will be engaged in flood plain management activities, on the one hundred year flood plain surrounding such area, that are adequate to protect or preclude flood damage to structures, works, and improvements that may be built within its planning jurisdiction on such flood plain after the request for state participation has been made, including restriction of land uses within a river's meander belt or floodway to only flood-compatible uses. No participation may occur with a county or other municipal corporation unless the county engineer of the county within which the flood control maintenance project is located certifies that a comprehensive flood control management plan has been completed and adopted by the appropriate local authority, or is being prepared for all portions of the river basin or other area, within which the project is located in that county, that are subject to flooding with a frequency of one hundred years or less. Such participation shall be made from ((state appropriations for flood control maintenance purposes)) grants made by the department of ecology from the flood control assistance account.

Sec. 5. Section 8, chapter 240, Laws of 1951 and RCW 86.26.060 are each amended to read as follows:

~~((Appropriation))~~ Grants for flood control maintenance shall be so employed that as far as possible, funds will be on hand to meet unusual, unforeseeable and emergent flood conditions. Allocations by the ((supervisor)) department of ecology, for emergency purposes, shall in each instance be in amounts which together with funds provided by local authority, if any, under reasonable exercise of its emergency powers, shall be adequate for the

preservation of life and property, and with due regard to similar needs elsewhere in the state.

Sec. 6. Section 10, chapter 240, Laws of 1951 and RCW 86.26.080 are each amended to read as follows:

Any municipal corporation intending to seek state participating funds shall, within thirty days after final adoption of its annual budget for flood control purposes, report the amount thereof, to the ~~((supervisor of flood control))~~ engineer of the county within whose boundaries the municipal corporation lies. The county engineer shall submit such reports, together with reports from the county itself, to the department of ecology. On the basis of all such budget reports received, ~~((he))~~ the department may thereupon prepare ~~((his))~~ a tentative and preliminary plan for the orderly and most beneficial allocation of ((state flood control)) funds from the flood control assistance account for the ensuing calendar year. ~~((Any otherwise eligible municipal corporation failing and neglecting to report the amount of its budget may, at the discretion of the supervisor, become ineligible for state participation during the ensuing year.))~~ Soil conservation districts shall be exempted from the provisions of this section.

Sec. 7. Section 11, chapter 240, Laws of 1951 and RCW 86.26.090 are each amended to read as follows:

The state shall participate with eligible local authorities in maintaining and restoring the normal and reasonably stable river and stream channel alignment and the normal and reasonably stable river and stream channel capacity for carrying off flood waters with a minimum of damage from bank erosion or overflow of adjacent lands and property; and in restoring, maintaining and repairing natural conditions, works and structures for the maintenance of such conditions. The state shall likewise participate in the restoration and maintenance of natural conditions, works or structures for the protection of lands and other property from inundation or other damage by the sea or other bodies of water. ~~((State flood control maintenance))~~ Funds from the flood control assistance account shall not be available for maintenance of works or structures maintained solely for the detention or storage of flood waters.

Sec. 8. Section 12, chapter 240, Laws of 1951 and RCW 86.26.100 are each amended to read as follows:

State participation in the cost of any flood control maintenance project shall be provided for by a written memorandum agreement between the director of ~~((conservation))~~ ecology and the ~~((corporate authorities of the local sponsoring party))~~ legislative authority of the county submitting the request, which agreement, among other things, shall state the estimated cost and the percentage thereof to be borne by the state. In no instance, except on emergency projects, shall the state's share exceed one-half the cost of the project. ~~((State participation in any soil conservation district shall not;~~

~~in the aggregate, exceed ten thousand dollars in any fiscal year, and shall be only in projects approved and recommended by the district's board of supervisors:))~~

NEW SECTION. Sec. 9. There is added to chapter 86.26 RCW a new section to read as follows:

A comprehensive flood control management plan shall determine the need for flood control work, consider alternatives to in-stream flood control work, identify and consider potential impacts of in-stream flood control work on the state's in-stream resources, and identify the river's meander belt or floodway. A comprehensive flood control management plan shall be completed and adopted within at least three years of the certification that it is being prepared, as provided in RCW 86.26.050.

If after this three-year period has elapsed such a plan has not been completed and adopted, grants for flood control maintenance shall not be made until a plan is completed and adopted by the appropriate local authority. These limitations on grants shall not preclude allocations for emergency purposes made pursuant to RCW 86.26.060.

NEW SECTION. Sec. 10. There is added to chapter 79.01 RCW a new section to read as follows:

Whenever, pursuant to RCW 79.01.134, the commissioner of public lands enters into a contract for the sale and removal of rock, gravel, sand, or silt out of a riverbed, the commissioner shall, when establishing a royalty, take into consideration flood protection value to the public that will arise as a result of such removal.

NEW SECTION. Sec. 11. The following acts or parts of acts are each repealed:

(1) Section 4, chapter 195, Laws of 1969 ex. sess. and RCW 86.16.095;

(2) Section 4, chapter 240, Laws of 1951, section 2, chapter 84, Laws of 1961 and RCW 86.26.020;

(3) Section 5, chapter 240, Laws of 1951 and RCW 86.26.030; and

(4) Section 13, chapter 240, Laws of 1951, section 38, chapter 106, Laws of 1973 and RCW 86.26.110.

Passed the House March 4, 1984.

Passed the Senate February 26, 1984.

Approved by the Governor March 27, 1984.

Filed in Office of Secretary of State March 27, 1984.