

equipment and to employ a maximum of ~~((two and one-half))~~ four full-time equivalent staff positions until ~~((October 31, 1987))~~ April 30, 1989, for the purpose of planning and administering drought relief activities, including the development of a state drought contingency plan for responding to future drought conditions.

Sec. 5. Section 9, chapter 343, Laws of 1987 and RCW 43.83B.344 are each amended to read as follows:

For a limited period of time ending ~~((October 31, 1987))~~ April 30, 1989, a water right may be temporarily changed in purpose or place of use or point of diversion consistent with existing state policy allowing transfer or lease of waters between willing parties as provided for in RCW 90.03.380, 90.03.390, and 90.44.100 without complying with any requirements of (1) notice of newspaper publication or (2) the state environmental policy act, chapter 43.21C RCW, when such changes are necessary to respond to emergency water supply conditions as determined by the department of ecology. The temporary changing of a water right as authorized under this section shall not be admissible as evidence in either the supporting or the contesting of the validity of water claims in State of Washington, Department of Ecology v. Acquavella, or any similar proceeding where the existence of a water right is at issue.

NEW SECTION. Sec. 6. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate March 7, 1988.

Passed the House March 3, 1988.

Approved by the Governor March 15, 1988.

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CHAPTER 47

[Engrossed Second Substitute Senate Bill No. 6724]

WATER RESOURCE POLICY

AN ACT Relating to water resources; amending RCW 43.83B.300, 90.54.030, 90.54.040, and 90.54.050; reenacting and amending RCW 90.22.010; adding new sections to chapter 90.54 RCW; creating a new section; and declaring an emergency.

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

Sec. 1. Section 1, chapter 1, Laws of 1977 ex. sess. as last amended by section 1, chapter 343, Laws of 1987 and RCW 43.83B.300 are each amended to read as follows:

The legislature finds that the fundamentals of water resource policy in this state must be reviewed by the legislature to ensure that the water resources of the state are protected and fully utilized for the greatest benefit

to the people of the state of Washington. The legislature further finds that it is necessary to provide the department of ecology with emergency powers to authorize withdrawals of public surface and ground waters, including dead storage within reservoirs, on a temporary basis, and construction of facilities in relation thereto, in order to alleviate emergency water supply conditions arising from the drought forecast for the state of Washington during 1977 and during 1987.

The legislature further finds that there is a continuing agricultural water supply shortage in many areas of the state and that, in relation to the lessening of that unsatisfactory condition, there is an urgent need to both improve water supply facilities and replace other such facilities.

In order to study the fundamentals of water resource policy of the state and to provide needed capital for the planning, acquisition, construction, and improvement of water supply facilities to withdraw and distribute water to alleviate unsatisfactory water supply conditions arising from droughts occurring from time to time in the state of Washington, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of eighteen million dollars, or so much thereof as may be required to finance such projects, and all costs incidental thereto. No bonds authorized by this section and RCW 43.83B.360 through 43.83B.375 shall be offered for sale without prior legislative appropriation, and these bonds shall be paid and discharged within thirty years of the date of issuance in accordance with Article VIII, section 1 of the state Constitution.

NEW SECTION. Sec. 2. A new section is added to chapter 90.54 RCW to read as follows:

(1) The director of ecology shall contract with an independent fact-finding service for the purpose of consulting with all user groups and parties interested in Washington's water resource policy, including but not limited to:

- (a) The departments of ecology, agriculture, social and health services, fisheries, wildlife, and natural resources;
- (b) Municipal users of water;
- (c) Agricultural interests;
- (d) The governor's office;
- (e) Environmental interests;
- (f) Interests of industrial users of water;
- (g) Indian tribes;
- (h) Interests of public water utilities;
- (i) Interests of recreational uses other than fishing;
- (j) Public and private hydropower generating utilities;
- (k) Interests of sport and commercial fishing; and
- (l) Interests of the forest products industry.

(2) The fact-finding service shall consult with, obtain, and document the opinions of the interested parties, and may facilitate discussions between them on the fundamentals of water resource policy and the need, if any, to change or clarify the current policy for the state. The fact-finding service shall also identify and evaluate the clarity and consistency of state water allocation laws with the current policy based on those laws.

(3) The fact-finding service shall report its findings in a written report to the joint select committee established pursuant to section 3 of this act. The report shall be submitted to the joint select committee by June 30, 1988, unless the committee provides for an extension of the due date.

(4) The fact-finding service and the joint select committee shall consider the reports and recommendations of state and federal studies pertaining to allocation, augmentation, conservation, and efficient use of the water resources of this state, including but not limited to the department of ecology's instream resources and water allocation program review. By considering these studies, the fact-finding service and the joint select committee shall not duplicate the work already completed in such studies.

(5) Until July 1, 1989, or until the legislature has passed legislation based on recommendations from the joint select committee, whichever comes first, the department of ecology:

(a) Shall not amend or alter the current guidelines, standards, or criteria governing the instream flow and water allocation elements of the state water resources program established pursuant to chapters 90.22 and 90.54 RCW and set forth in chapters 173-500 to 173-596 WAC;

(b) Shall not adopt any water reservation under RCW 90.54.050, set forth in chapters 173-500 to 173-596 WAC, or the preferred alternative in the instream resources and water allocation environmental impact statement; and

(c) For any new application for surface water received under chapter 90.03 RCW after the effective date of this act, shall not issue any permanent appropriation permits and may only issue new temporary appropriation permits on streams by utilizing (i) the existing minimum or base flows adopted pursuant to chapters 90.54 and 90.22 RCW or (ii) the case-by-case process to maintain food fish and game fish populations as provided in RCW 75.20.050. These water appropriations shall not reduce flows necessary to provide for preservation of wildlife, fish, scenic, aesthetic, recreational, water quality, other environmental values, and navigational values, as provided in RCW 90.54.020 and chapters 90.03 and 90.22 RCW. These temporary permits shall be conditioned so that the appropriation may be altered based upon the enactment of legislation or adoption of regulations resulting from recommendations made pursuant to section 3 (3) and (4) of this act.

This subsection does not apply to any emergency water permits or transfers authorized under RCW 43.83B.300 through 43.83B.344, and shall not affect any existing water rights established pursuant to law.

(6) The department of ecology shall provide staff support in the fact-finding process.

(7) This section shall expire on June 30, 1989.

NEW SECTION. Sec. 3. A new section is added to chapter 90.54 RCW to read as follows:

(1) There is hereby created a joint select committee on water resource policy to address the findings reached by the fact-finding service pursuant to section 2 of this act. The committee shall consist of twelve voting members appointed jointly by the speaker of the house of representatives and the president of the senate. The speaker of the house of representatives and the president of the senate may each appoint nonvoting members to participate in the meetings of the joint select committee. The voting membership shall be equally divided from each major political caucus and shall, to the extent possible, represent all major water interests, including but not limited to agriculture, fisheries, municipal, environmental, recreational, and hydroelectric.

(2) The staff support shall be provided by the senate committee services and the office of program research as mutually agreed by the cochairs of the joint select committee. The cochairs shall be designated by the speaker of the house of representatives and the president of the senate.

(3) In addition to responsibilities identified in subsection (6) of this section, the purpose of the joint select committee shall be to address and recommend in a written report to the full legislature the fundamentals of water resource policy for the state of Washington. The joint select committee shall review and evaluate the report of the fact-finding service and shall hold a minimum of four public hearings throughout the state.

The committee shall recommend in its report the procedures for allocating water resources of the state, considering the findings of the fact-finding service and the present and future demands on the use of water resources. The joint select committee shall further evaluate the need to prioritize the use of the water resources of this state.

(4) The joint select committee may include in its report recommendations for revisions to existing laws to set forth the water policies of the state and may also recommend revisions to existing law to give direction to the department of ecology and other agencies and officials in carrying out the fundamental water policies of the state as adopted by the legislature.

(5) The joint select committee shall submit its written report of findings and recommendations to the 1989 legislature. A draft report shall be completed by December 1, 1988, and distributed to interested parties. The final report shall be distributed and a public hearing shall be held no later than one week prior to the first day of the 1989 legislative session.

(6) The joint select committee shall monitor the actions taken to implement the recommendations made in the written report required in subsection (5) of this section and the results of any legislation enacted affecting the fundamental water resource policies of the state. At its discretion, the joint select committee may address issues affecting the allocation, efficient use, conservation, or distribution of surface and ground water to achieve the maximum benefits to the state. The committee shall report periodically to the legislature.

(7) This section shall expire June 30, 1991.

Sec. 4. Section 3, chapter 225, Laws of 1971 ex. sess. and RCW 90.54.030 are each amended to read as follows:

For the purpose of insuring that the department is fully advised in relation to the performance of the water resources program provided in RCW 90.54.040, and to provide information and support to the fact-finding service and the joint select committee established in sections 2 and 3 of this 1988 act, the department is directed to become informed with regard to all phases of water and related resources of the state. To accomplish this objective the department shall:

(1) Collect, organize and catalog existing information and studies available to it from all sources, both public and private, pertaining to water and related resources of the state;

(2) Develop such additional data and studies pertaining to water and related resources as are necessary to accomplish the objectives of this chapter;

(3) Determine existing and foreseeable uses of, and needs for, such waters and related resources;

(4) Develop alternate courses of action to solve existing and foreseeable problems of water and related resources and include therein, to the extent feasible, the economic and social consequences of each such course, and the impact on the natural environment.

All the foregoing shall be included in a "water resources archive" established and maintained by the department. The department shall develop a system of cataloging, storing and retrieving the information and studies of the archive so that they may be made readily available to and effectively used not only by the department but by the public generally.

Sec. 5. Section 4, chapter 225, Laws of 1971 ex. sess. and RCW 90.54.040 are each amended to read as follows:

(1) The department, through the adoption of appropriate rules, is directed, as a matter of high priority to insure that the waters of the state are utilized for the best interests of the people, to develop and implement in accordance with the policies of this chapter a comprehensive state water resources program which will provide a process for making decisions on future water resource allocation and use. The department may develop the program in segments so that immediate attention may be given to waters of a

given physioeconomic region of the state or to specific critical problems of water allocation and use.

The current guidelines, standards, or criteria governing the elements of the water resource program established pursuant to this subsection shall not be altered or amended after the effective date of this 1988 section, in accordance with section 2(5) of this 1988 act.

(2) In relation to the management and regulatory programs relating to water resources vested in it, the department is further directed to modify existing regulations and adopt new regulations, when needed and possible, to insure that existing regulatory programs are in accord with the water resource policy of this chapter and the program established in subsection (1) of this section. The current guidelines, standards, or criteria governing the department's implementation of this subsection shall not be altered or amended after the effective date of this 1988 section, in accordance with subsection (1) of this section.

(3) The department is directed to review all statutes relating to water resources which it is responsible for implementing. When any of the same appear to the department to be ambiguous, unclear, unworkable, unnecessary, or otherwise deficient, it shall make recommendations to the legislature including appropriate proposals for statutory modifications or additions. Whenever it appears that the policies of any such statutes are in conflict with the policies of this chapter, and the department is unable to fully perform as provided in subsection (2) of this section, the department is directed to submit statutory modifications to the legislature which, if enacted, would allow the department to carry out such statutes in harmony with this chapter.

Sec. 6. Section 3, chapter 284, Laws of 1969 ex. sess. as amended by section 103, chapter 109, Laws of 1987 and by section 96, chapter 506, Laws of 1987 and RCW 90.22.010 are each reenacted and amended to read as follows:

The department of ecology may establish minimum water flows or levels for streams, lakes or other public waters for the purposes of protecting fish, game, birds or other wildlife resources, or recreational or aesthetic values of said public waters whenever it appears to be in the public interest to establish the same. In addition, the department of ecology shall, when requested by the department of fisheries or the department of wildlife to protect fish, game or other wildlife resources under the jurisdiction of the requesting state agency, or if the department of ecology finds it necessary to preserve water quality, establish such minimum flows or levels as are required to protect the resource or preserve the water quality described in the request or determination. Any request submitted by the department of fisheries or department of wildlife shall include a statement setting forth the need for establishing a minimum flow or level. When the department acts to preserve water quality, it shall include a similar statement with the proposed

rule filed with the code reviser. This section shall not apply to waters artificially stored in reservoirs, provided that in the granting of storage permits by the department of ecology in the future, full recognition shall be given to downstream minimum flows, if any there may be, which have theretofore been established hereunder.

The current guidelines, standards, or criteria governing the instream flow programs established pursuant to this chapter shall not be altered or amended after the effective date of this 1988 section, in accordance with section 2(5) of this 1988 act.

Sec. 7. Section 5, chapter 225, Laws of 1971 ex. sess. and RCW 90.54.050 are each amended to read as follows:

In conjunction with the programs provided for in RCW 90.54.040(1), whenever it appears necessary to the director in carrying out the policy of this chapter, the department may by rule adopted pursuant to chapter 34.04 RCW:

(1) Reserve and set aside waters for beneficial utilization in the future, and

(2) When sufficient information and data are lacking to allow for the making of sound decisions, withdraw various waters of the state from additional appropriations until such data and information are available.

Prior to the adoption of a rule under this section, the department shall conduct a public hearing in each county in which waters relating to the rule are located. The public hearing shall be preceded by a notice placed in a newspaper of general circulation published within each of said counties. Rules adopted hereunder shall be subject to review in accordance with the provisions of RCW 34.04.070 or 34.04.080.

No new rules or changes to existing rules to reserve or set aside water may be adopted pursuant to this section, as provided in section 2(5) of this 1988 act.

NEW SECTION. Sec. 8. Nothing in this act shall apply to or interfere with the processing or issuance of water rights in connection with the Yakima River Basin Water Enhancement Project.

NEW SECTION. Sec. 9. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 10. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state

government and its existing public institutions, and shall take effect immediately.

Passed the Senate March 8, 1988.

Passed the House March 3, 1988.

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CHAPTER 48

[Engrossed Substitute Senate Bill No. 6534]

CATHETERIZATION OF K-12 STUDENTS BY QUALIFIED SCHOOL PERSONNEL

AN ACT Relating to catheterization by school employees; amending RCW 18.71.030; adding a new section to chapter 18.88 RCW; and adding new sections to chapter 28A.31 RCW.

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

NEW SECTION. Sec. 1. A new section is added to chapter 18.88 RCW to read as follows:

(1) In accordance with rules adopted by the state board of nursing, public school districts and private schools that offer classes for any of grades kindergarten through twelve may provide for clean, intermittent bladder catheterization of students or assisted self-catheterization of students who are in the custody of the school district or private school at the time. The state board of nursing shall adopt rules in accordance with chapter 34.04 RCW, following consultation with staff of the superintendent of public instruction and the state board of practical nursing, which provide for the following and such other matters as the board deems necessary to the proper implementation of this section:

(a) A requirement for a written, current, and unexpired request from a parent, legal guardian, or other person having legal control over the student that the school district or private school provide for the catheterization of the student;

(b) A requirement for a written, current, and unexpired request from a physician licensed under chapter 18.57 or 18.71 RCW that catheterization of the student be provided for during the hours when school is in session or the hours when the student is under the supervision of school officials;

(c) A requirement for written, current, and unexpired instructions from a registered nurse licensed under chapter 18.88 RCW regarding catheterization which include (i) a designation of the school district or private school employee or employees who may provide for the catheterization, and (ii) a description of the nature and extent of any required supervision; and

(d) The nature and extent of acceptable training that shall (i) be provided by a physician or nurse licensed pursuant to chapter 18.57, 18.71, 18.78, or 18.88 RCW, and (ii) be required of school district and private school employees who provide for the catheterization of a student pursuant to this