
SENATE BILL 5487

State of Washington

54th Legislature

1995 Regular Session

By Senators Rasmussen, Morton, Haugen, Newhouse and Winsley

Read first time 01/24/95. Referred to Committee on Senate Select
Committee on Water Policy.

1 AN ACT Relating to creation of a water resources board; adding new
2 sections to chapter 43.27A RCW; adding a new section to chapter 43.20
3 RCW; adding a new section to chapter 43.21A RCW; adding a new section
4 to chapter 43.83B RCW; adding a new section to chapter 43.99E RCW;
5 adding a new section to chapter 86.16 RCW; adding a new section to
6 chapter 86.18 RCW; adding a new section to chapter 86.24 RCW; adding a
7 new section to chapter 86.26 RCW; adding a new section to chapter 89.16
8 RCW; adding a new section to chapter 90.03 RCW; adding a new section to
9 chapter 90.08 RCW; adding a new section to chapter 90.14 RCW; adding a
10 new section to chapter 90.16 RCW; adding a new section to chapter 90.22
11 RCW; adding a new section to chapter 90.24 RCW; adding a new section to
12 chapter 90.38 RCW; adding a new section to chapter 90.42 RCW; adding a
13 new section to chapter 90.44 RCW; adding a new section to chapter 90.54
14 RCW; creating new sections; recodifying RCW 43.21A.067; decodifying RCW
15 90.14.043; providing an effective date; and declaring an emergency.

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

17 NEW SECTION. **Sec. 1.** The state water resources board is hereby
18 established. The board has authority over water resources policy
19 matters and flood management policy matters, however the water resource

1 program and flood control management program shall remain housed within
2 the department of ecology. The board shall exercise all policy-related
3 powers relating to water quantity matters and flood management matters
4 prescribed by law, including the management, conservation, utilization,
5 planning, development, and adjudication of the state's water as
6 provided in sections 5 through 24 of this act. Pursuant to statutory
7 authorities, the board may adopt, amend, or repeal administrative rules
8 in accordance with the administrative procedure act, chapter 34.05 RCW.
9 The board or its authorized designee shall represent itself in
10 legislative matters.

11 The board shall appoint an administrator of water resources, who
12 shall have the duty to implement the policies and decisions of the
13 board and to administer the water resource program and flood management
14 program. The salary of the administrator shall be fixed by the
15 governor in accordance with RCW 43.03.040. The administrator shall
16 have full supervisory authority over all employees in the water
17 resource program and flood management program. The administrator shall
18 serve at the pleasure of the board and is exempt from provisions of
19 chapter 41.06 RCW.

20 NEW SECTION. **Sec. 2.** (1) The board shall consist of nine members,
21 appointed by the governor from nominees submitted by county legislative
22 authorities. Each county legislative authority in each area
23 established in section 4 of this act shall submit within sixty calendar
24 days of the effective date of this section a name of a person from
25 within its area that meets the qualifications in subsection (2) of this
26 section to the governor as a nominee from that area for the state water
27 resources board.

28 (2) The board members shall be qualified electors and residents for
29 at least five years of the district specified under section 4 of this
30 act. Members must be knowledgeable about state water law and have at
31 least five years' experience in water resource matters. Local units of
32 government including but not limited to cities, towns, public utility
33 districts, conservation districts, water districts, irrigation
34 districts, and flood control districts within each county may submit
35 nominations to the county legislative authority of persons to serve on
36 the board. All appointments and reappointments, including those to
37 fill vacancies, shall be confirmed by the senate. The first members of
38 the board shall be appointed by the governor within ninety days after

1 the effective date of this section. The initial terms for board
2 members from districts one, five, and nine shall expire on the first
3 Thursday following the second Monday in January 1997, for board members
4 from districts two and six shall expire on the first Thursday following
5 the second Monday in January 1998, for board members from districts
6 three and seven shall expire on the first Thursday following the second
7 Monday in 1999, and for board members from districts four and eight
8 shall expire on the first Thursday following the second Monday in
9 January 2000.

10 (3) Upon the expiration of the term of any member, the governor
11 shall appoint a successor for a term of four years in accordance with
12 the same procedures as contained in subsection (1) of this section.
13 Nominations by county legislative authorities shall be submitted no
14 later than December 10 of the year prior to the expiration date of the
15 board member's term. Vacancies on the board shall be filled by
16 appointment made by the governor for the unexpired term.

17 NEW SECTION. **Sec. 3.** The board shall meet at such times as it
18 deems advisable but at least once every month. It may adopt its own
19 rules and may establish its own procedures consistent with other
20 provisions of state law. Resolutions or motions shall be adopted by an
21 affirmative vote of at least five members. The board may elect one of
22 its members as chair for a term of one year. The chair may vote on all
23 matters before the board. Members of the board shall be compensated in
24 accordance with RCW 43.03.250 and shall receive reimbursement for their
25 travel expenses as provided in RCW 43.03.050 and 43.03.060.

26 NEW SECTION. **Sec. 4.** The governor shall appoint one board member
27 from each of the following geographic areas: District one includes
28 Clallam, Jefferson, Mason, and Grays Harbor counties; district two
29 includes Whatcom, Skagit, Island, and San Juan counties; district three
30 includes Snohomish, King, Pierce, and Kitsap counties; district four
31 includes Thurston, Lewis, Pacific, and Wahkiakum counties; district
32 five includes Cowlitz, Clark, Skamania, and Klickitat counties;
33 district six includes Yakima, Benton, Kittitas, Douglas, and Chelan
34 counties; district seven includes Okanogan, Ferry, Stevens, and Pend
35 Oreille counties; district eight includes Walla Walla, Franklin, Adams,
36 Grant, and Lincoln counties; and district nine includes Spokane,
37 Whitman, Garfield, Columbia, and Asotin counties.

1 NEW SECTION. **Sec. 5.** A new section is added to chapter 43.20 RCW
2 to read as follows:

3 For the purposes of RCW 43.20.230, references in this chapter to
4 department or to the department of ecology or director or the director
5 of the department of ecology shall mean the water resources board.

6 NEW SECTION. **Sec. 6.** A new section is added to chapter 43.21A RCW
7 to read as follows:

8 For the purposes of RCW 43.21A.020, 43.21A.061, 43.21A.064,
9 43.21A.069 and 43.21A.445, references in this chapter to department or
10 to the department of ecology or director or the director of the
11 department of ecology shall mean the water resources board.

12 NEW SECTION. **Sec. 7.** A new section is added to chapter 43.27A RCW
13 to read as follows:

14 For the purposes of RCW 43.27A.020, 43.27A.090, 43.27A.130,
15 43.27A.190, and 43.21A.067, as recodified by this act, references in
16 this chapter to department or to the department of ecology or director
17 or the director of the department of ecology shall mean the water
18 resources board.

19 NEW SECTION. **Sec. 8.** A new section is added to chapter 43.83B RCW
20 to read as follows:

21 References in this chapter to the department or to the department
22 of ecology or director or the director of the department of ecology
23 shall mean the water resources board.

24 NEW SECTION. **Sec. 9.** A new section is added to chapter 43.99E RCW
25 to read as follows:

26 For the purposes of RCW 43.99E.025, references in this chapter to
27 department or to the department of ecology or director or the director
28 of the department of ecology shall mean the water resources board.

29 NEW SECTION. **Sec. 10.** A new section is added to chapter 86.16 RCW
30 to read as follows:

31 References in this chapter to the department or to the department
32 of ecology or director or the director of the department of ecology
33 shall mean the water resources board.

1 NEW SECTION. **Sec. 11.** A new section is added to chapter 86.18 RCW
2 to read as follows:

3 References in this chapter to the department or to the department
4 of ecology or director or the director of the department of ecology
5 shall mean the water resources board.

6 NEW SECTION. **Sec. 12.** A new section is added to chapter 86.24 RCW
7 to read as follows:

8 References in this chapter to the department or to the department
9 of ecology or director or the director of the department of ecology
10 shall mean the water resources board.

11 NEW SECTION. **Sec. 13.** A new section is added to chapter 86.26 RCW
12 to read as follows:

13 References in this chapter to the department or to the department
14 of ecology or director or the director of the department of ecology
15 shall mean the water resources board.

16 NEW SECTION. **Sec. 14.** A new section is added to chapter 89.16 RCW
17 to read as follows:

18 References in this chapter to the department or to the department
19 of ecology or director or the director of the department of ecology
20 shall mean the water resources board.

21 NEW SECTION. **Sec. 15.** A new section is added to chapter 90.03 RCW
22 to read as follows:

23 References in this chapter to the department or to the department
24 of ecology or director or the director of the department of ecology
25 shall mean the water resources board.

26 NEW SECTION. **Sec. 16.** A new section is added to chapter 90.08 RCW
27 to read as follows:

28 For the purposes of RCW 90.08.040, references in this chapter to
29 department or to the department of ecology or director or the director
30 of the department of ecology shall mean the water resources board.

31 NEW SECTION. **Sec. 17.** A new section is added to chapter 90.14 RCW
32 to read as follows:

1 References in this chapter to the department or to the department
2 of ecology or director or the director of the department of ecology
3 shall mean the water resources board.

4 NEW SECTION. **Sec. 18.** A new section is added to chapter 90.16 RCW
5 to read as follows:

6 References in this chapter to the department or to the department
7 of ecology or director or the director of the department of ecology
8 shall mean the water resources board.

9 NEW SECTION. **Sec. 19.** A new section is added to chapter 90.22 RCW
10 to read as follows:

11 References in this chapter to the department or to the department
12 of ecology or director or the director of the department of ecology
13 shall mean the water resources board.

14 NEW SECTION. **Sec. 20.** A new section is added to chapter 90.24 RCW
15 to read as follows:

16 References in this chapter to the department or to the department
17 of ecology or director or the director of the department of ecology
18 shall mean the water resources board.

19 NEW SECTION. **Sec. 21.** A new section is added to chapter 90.38 RCW
20 to read as follows:

21 References in this chapter to the department or to the department
22 of ecology or director or the director of the department of ecology
23 shall mean the water resources board.

24 NEW SECTION. **Sec. 22.** A new section is added to chapter 90.42 RCW
25 to read as follows:

26 References in this chapter to the department or to the department
27 of ecology or director or the director of the department of ecology
28 shall mean the water resources board.

29 NEW SECTION. **Sec. 23.** A new section is added to chapter 90.44 RCW
30 to read as follows:

31 References in this chapter to the department or to the department
32 of ecology or director or the director of the department of ecology
33 shall mean the water resources board.

1 NEW SECTION. **Sec. 24.** A new section is added to chapter 90.54 RCW
2 to read as follows:

3 References in this chapter to the department or to the department
4 of ecology or director or the director of the department of ecology
5 shall mean the water resources board.

6 NEW SECTION. **Sec. 25.** Any appropriations made to the department
7 of ecology relating to functions transferred shall, on the effective
8 date of this section, continue to be designated for use as directed by
9 the water resources board.

10 Whenever any question arises as to the transfer of any funds,
11 including unexpended balances within any accounts, books, documents,
12 records, papers, files, equipment, or any other tangible property used
13 or held in the exercise of the powers and the performance of the duties
14 and functions transferred, the director of financial management shall
15 make a determination as to the proper allocation and certify the same
16 to the state agencies concerned.

17 NEW SECTION. **Sec. 26.** All rules and all pending business before
18 the department of ecology relating to functions transferred shall be
19 continued and acted upon by the water resources board. All existing
20 contracts and obligations shall remain in full force and effect and
21 shall be performed by the water resources board.

22 Rules adopted by the department of ecology in exercising the
23 authority transferred to the water resources board under this act on
24 the effective date of this section shall remain in effect unless
25 amended or repealed by the water resources board. The enactment of
26 sections 1 through 25 of this act does not have the effect of
27 terminating, or in any way modifying, any liability, civil or criminal,
28 that is already in existence on the effective date of this section.

29 NEW SECTION. **Sec. 27.** There are created nine local water resource
30 policy advisory boards, one for each district as created in section 4
31 of this act. Each board shall be composed of two representatives from
32 each county in the district selected by the county's legislative
33 authority. Each state water resources board member shall meet a
34 minimum of once every six months with the local water resource policy
35 advisory board to discuss water policy issues and integrate state-wide
36 water policy considerations with local water policy needs.

1 Compensation of local water resource policy advisory boards is
2 discretionary and shall be determined by each county legislative
3 authority.

4 NEW SECTION. **Sec. 28.** Sections 1 through 4 and 27 of this act are
5 each added to chapter 43.27A RCW.

6 NEW SECTION. **Sec. 29.** RCW 90.14.043 is decodified.

7 NEW SECTION. **Sec. 30.** RCW 43.21A.067 shall be recodified as a
8 section in chapter 43.27A RCW.

9 NEW SECTION. **Sec. 31.** This act is necessary for the immediate
10 preservation of the public peace, health, or safety, or support of the
11 state government and its existing public institutions, and shall take
12 effect July 1, 1995.

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