

# FINAL BILL REPORT

## ESSB 6125

---

---

### C 10 L 04

#### Synopsis as Enacted

**Brief Description:** Providing for alternate members of a water conservancy board.

**Sponsors:** Senate Committee on Natural Resources, Energy & Water (originally sponsored by Senator Morton).

**Senate Committee on Natural Resources, Energy & Water**  
**House Committee on Agriculture & Natural Resources**

**Background:** There are currently 21 water conservancy boards operating in Washington, 16 in eastern Washington and five in western Washington. Where a county or counties have created a water conservancy board, the board is authorized to process the same kinds of "transfer" applications as the Department of Ecology with a few exceptions. A board's decision is subject to department approval. "Transfer" is defined by statute to mean transfer, change, amendment, or other authorized alteration of a water right.

Approval or denial of a water right transfer application is determined by the majority vote of a board. The board may consist of either three or five commissioners. Official board business requires a quorum, defined as the physical presence of two of the three members of a three-member board or three of the five members of a five-member board. A board may operate with one or two vacant positions as long as it meets quorum requirements, though counties are required to appoint a new commissioner to fill an unexpired term. Statute does not provide for a person to be appointed on a temporary basis, though a department rule allows an alternate to receive training and serve temporarily in a nonvoting capacity. An alternate is not counted for quorum purposes.

Recusal is required for a board member with a conflict of interest. Some board commissioners have reported that recusals, unexpected absences and board vacancies can make it difficult to reach the quorum needed to continue board activities.

**Summary:** County legislative authorities are authorized to appoint up to two alternates to fill in for recused or absent full-time commissioners on a water conservancy board. An alternate must meet training and other requirements applicable to full-time commissioners, including conflict of interest requirements, before serving and voting as a commissioner. Such alternates count toward a quorum.

An alternate must fully review the record of an application under review. The board must notify interested applicants and participants if an alternate will be sitting as a commissioner.

As in current statute, a majority of a board is required to approve or deny a water right transfer application. When alternates are serving as commissioners on a board, a majority vote of a board must include at least one member appointed as a full-time commissioner.

**Votes on Final Passage:**

Senate 46 0  
House 94 0

**Effective:** June 10, 2004