

CERTIFICATION OF ENROLLMENT

**SUBSTITUTE HOUSE BILL 2307**

58th Legislature  
2004 Regular Session

Passed by the House February 11, 2004  
Yeas 95 Nays 0

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**Speaker of the House of Representatives**

Passed by the Senate March 3, 2004  
Yeas 48 Nays 0

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**President of the Senate**

Approved

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**Governor of the State of Washington**

CERTIFICATE

I, Richard Nafziger, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 2307** as passed by the House of Representatives and the Senate on the dates hereon set forth.

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**Chief Clerk**

FILED

**Secretary of State  
State of Washington**

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**SUBSTITUTE HOUSE BILL 2307**

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Passed Legislature - 2004 Regular Session

**State of Washington**

**58th Legislature**

**2004 Regular Session**

**By** House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Schoesler, Linville, Sump, Cox, Delvin, Armstrong and Hinkle)

READ FIRST TIME 01/29/04.

1       AN ACT Relating to eligibility to serve as a commissioner of a  
2 water conservancy board; amending RCW 90.80.050; and creating a new  
3 section.

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

5       NEW SECTION. **Sec. 1.** The purpose of this act is to ensure that  
6 counties have a sufficient portion of their citizenry eligible to serve  
7 as commissioners of water conservancy boards to enable the appointing  
8 legislative authorities to fill positions on the boards in both urban  
9 and rural counties.

10       **Sec. 2.** RCW 90.80.050 and 2001 c 237 s 10 are each amended to read  
11 as follows:

12       (1) A water conservancy board constitutes a public body corporate  
13 and politic and a separate unit of local government in the state. Each  
14 board shall consist of three commissioners appointed by the county  
15 legislative authority or authorities as applicable for six-year terms.  
16 The county legislative authority or authorities shall stagger the  
17 initial appointment of commissioners so that the first commissioners  
18 who are appointed shall serve terms of two, four, and six years,

1 respectively, from the date of their appointment. The county  
2 legislative authority or authorities may appoint two additional  
3 commissioners, for a total of five. If the county or counties elect to  
4 appoint five commissioners, the initial terms of the additional  
5 commissioners shall be for three and five-year terms respectively. All  
6 vacancies shall be filled for the unexpired term.

7 (2) The county legislative authority or authorities shall consider,  
8 but are not limited in appointing, nominations to the board by people  
9 or entities petitioning or requesting the creation of the board. The  
10 county legislative authority or authorities shall ensure that at least  
11 one commissioner is an individual water right holder who diverts or  
12 withdraws water for use within the area served by the board. The  
13 county legislative authority or authorities must appoint one person who  
14 is not a water right holder, except as provided in subsection (4) of  
15 this section. If the county legislative authority or authorities  
16 choose not to appoint five commissioners, and as of May 10, 2001, there  
17 is no commissioner on an existing board who is not a water right  
18 holder, the county or counties are not required to appoint a new  
19 commissioner until the first vacancy occurs. In making appointments to  
20 the board, the county legislative authority or authorities shall choose  
21 from among persons who are residents of the county or counties or a  
22 county that is contiguous to the county that the water conservancy  
23 board is to serve.

24 (3) No commissioner may participate in a record of decision of a  
25 board until he or she has successfully completed the necessary training  
26 required under RCW 90.80.040. Commissioners shall serve without  
27 compensation, but are entitled to reimbursement for necessary travel  
28 expenses in accordance with RCW 43.03.050 and 43.03.060 and costs  
29 incident to receiving training.

30 (4) For the purposes determining a person's eligibility to be  
31 appointed as a commissioner who is not a water right holder under this  
32 section, a person is not considered to be a water right holder: (a) By  
33 virtue of the person's receiving water from a municipal water supplier  
34 as defined in RCW 90.03.015, or (b) if the only water right held by the  
35 person is a right to the type of residential use of water that is  
36 exempted from permit requirements by RCW 90.44.050 and that right is

1 for water from a well located in a county with a population that is not  
2 greater than one hundred fifty thousand people.

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