
SENATE BILL 5087

State of Washington

58th Legislature

2003 Regular Session

By Senators Honeyford, Rasmussen, Hewitt, Deccio, Hale, Mulliken, Sheahan, Parlette, Morton and T. Sheldon

Read first time 01/15/2003. Referred to Committee on Natural Resources, Energy & Water.

1 AN ACT Relating to creating a water commission; and adding a new
2 chapter to Title 90 RCW.

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

4 NEW SECTION. **Sec. 1.** The legislature finds that there is a
5 critical need to establish a single purpose agency to administer
6 Washington's water resource laws and that the agency be directly
7 accountable to the voters of the state of Washington.

8 The legislature declares that the findings of the governor's
9 Washington competitiveness council released December 11, 2001, are
10 accurate and that a water commission is necessary for the effective
11 management of the water resources of the state. The legislature
12 further declares that there is a growing necessity to provide for the
13 increasing need of the state and its citizens for water for industrial,
14 agricultural, residential, social, economic, recreational,
15 environmental, and other needs and to plan, coordinate, restore, and
16 regulate the utilization of our water resources in a manner that
17 ensures that the public interest is protected.

1 NEW SECTION. **Sec. 2.** The definitions in this section apply
2 throughout this chapter unless the context clearly requires otherwise.

3 (1) "Commission" means the Washington water commission.

4 (2) "Commissioner" means a member of the Washington water
5 commission.

6 (3) "Chair" means the chair of the commission.

7 (4) "Department" means the Washington state department of ecology.

8 (5) "Public interest" means all uses of the water resources of the
9 state and its impact on the state of Washington and its citizens,
10 including the use of water for domestic, industrial, commercial,
11 agricultural, irrigation, hydroelectric power production, mining,
12 thermal power production, recreation, and the preservation of
13 environmental values and all other uses compatible with the enjoyment
14 of the public waters of the state.

15 NEW SECTION. **Sec. 3.** There is created a department of state
16 government to be known as the Washington water commission.

17 The commission has the following powers, duties, and functions with
18 regard to water resources:

19 (1) The supervision of the public waters within the state and their
20 appropriation, diversion, and use, and of the various officers and
21 employees of the state connected therewith;

22 (2) The supervision of construction and inspection of all water
23 works for the purpose of reasonably securing safety to life and
24 property;

25 (3) Determinations as to the discharge of streams and springs and
26 other sources of water supply, and the capacities of lakes and of
27 reservoirs whose waters are being or may be utilized for beneficial
28 purposes;

29 (4) Providing assistance to applicants for a water right in
30 obtaining or developing an adequate and appropriate supply of water
31 consistent with the land use permitted for the area in which the water
32 is to be used and the population forecast for the area under RCW
33 43.62.035;

34 (5) Maintaining records as may be necessary for the recording of
35 the financial transactions and statistical data thereof;

36 (6) Making written reports of the office's work to the governor and

1 the legislature with recommendations for legislation as the commission
2 deems advisable;

3 (7) Exercising all the powers and duties prescribed by law with
4 respect to flood control;

5 (8) The adoption of rules for the administration of Washington
6 water resource laws;

7 (9) Supervision over Washington water resource laws for the purpose
8 of ensuring that the administration of the laws and the use and
9 conservation of water resources benefits the public interest; and

10 (10) Performing other duties as may be prescribed by law.

11 NEW SECTION. **Sec. 4.** The commission consists of seven members who
12 are registered voters. Three commissioners must be residents of the
13 portion of the state lying east of the summit of the Cascade mountains
14 and be elected at large from that portion of the state. Three
15 commissioners must be residents of the portion of the state lying west
16 of the summit of the Cascade mountains and be elected at large from
17 that portion of the state. The governor must appoint a seventh
18 commissioner with the advice of the Washington state senate. Elected
19 commissioners serve four-year terms. The initial terms must be
20 staggered so that a total of three commissioners are elected at each
21 general election held in even-numbered years. The commissioner
22 appointed by the governor serves at the pleasure of the governor.

23 NEW SECTION. **Sec. 5.** (1) All powers, duties, and functions of the
24 department of ecology pertaining to those powers and duties set out in
25 section 3 of this act are transferred to the commission. All
26 references to the director or the department of ecology in the Revised
27 Code of Washington shall be construed to mean the commission when
28 referring to the functions transferred in this section.

29 (2)(a) All reports, documents, surveys, books, records, files,
30 papers, or written material in the possession of the department of
31 ecology pertaining to the powers, functions, and duties transferred
32 shall be delivered to the custody of the commission. All cabinets,
33 furniture, office equipment, motor vehicles, and other tangible
34 property employed by the department of ecology in carrying out the
35 powers, functions, and duties transferred shall be made available to

1 the commission. All funds, credits, or other assets held in connection
2 with the powers, functions, and duties transferred shall be assigned to
3 the commission.

4 (b) Any appropriations made to the department of ecology for
5 carrying out the powers, functions, and duties transferred shall, on
6 the effective date of this section, be transferred and credited to the
7 commission.

8 (c) Whenever any question arises as to the transfer of any
9 personnel, funds, books, documents, records, papers, files, equipment,
10 or other tangible property used or held in the exercise of the powers
11 and the performance of the duties and functions transferred, the
12 director of financial management shall make a determination as to the
13 proper allocation and certify the same to the state agencies concerned.

14 (3) All employees of the department of ecology engaged in
15 performing the powers, functions, and duties transferred are
16 transferred to the jurisdiction of the commission. All employees
17 classified under chapter 41.06 RCW, the state civil service law, are
18 assigned to the commission to perform their usual duties upon the same
19 terms as formerly, without any loss of rights, subject to any action
20 that may be appropriate thereafter in accordance with the laws and
21 rules governing state civil service.

22 (4) All rules and all pending business before the department of
23 ecology pertaining to the powers, functions, and duties transferred
24 shall be continued and acted upon by the commission. All existing
25 contracts and obligations shall remain in full force and shall be
26 performed by the commission.

27 (5) The transfer of the powers, duties, functions, and personnel of
28 the department of ecology shall not affect the validity of any act
29 performed before the effective date of this section.

30 (6) If apportionments of budgeted funds are required because of the
31 transfers directed by this section, the director of financial
32 management shall certify the apportionments to the agencies affected,
33 the state auditor, and the state treasurer. Each of these shall make
34 the appropriate transfer and adjustments in funds and appropriation
35 accounts and equipment records in accordance with the certification.

36 (7) Nothing contained in this section may be construed to alter any
37 existing collective bargaining unit or the provisions of any existing

1 collective bargaining agreement until the agreement has expired or
2 until the bargaining unit has been modified by action of the personnel
3 resources board as provided by law.

4 NEW SECTION. **Sec. 6.** Sections 1 through 5 of this act constitute
5 a new chapter in Title 90 RCW.

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