
SENATE BILL 5387

State of Washington

59th Legislature

2005 Regular Session

By Senators Regala, Fraser, Rockefeller, Franklin, Pridemore, Keiser and Kline

Read first time 01/24/2005. Referred to Committee on Water, Energy & Environment.

1 AN ACT Relating to public information disclosure by water
2 conservancy boards; and amending RCW 90.80.120 and 90.80.130.

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

4 **Sec. 1.** RCW 90.80.120 and 2004 c 10 s 5 are each amended to read
5 as follows:

6 (1) A commissioner of a (~~water conservancy~~) board shall not
7 engage in any act which is in conflict with the proper discharge of the
8 official duties of a commissioner. A commissioner is deemed to have a
9 conflict of interest if he or she:

10 (a) Has an ownership interest in a water right subject to an
11 application for approval before the board;

12 (b) Receives or has a financial interest in an application
13 submitted to the board or a project, development, or venture related to
14 the approval of the application; or

15 (c) Solicits, accepts, or seeks anything of economic value as a
16 gift, gratuity, or favor from any person, firm, or corporation involved
17 in the application.

18 (2) In the event of a recusal of an appointed commissioner, an

1 alternate may serve as a commissioner on a board and may act upon the
2 official board business for which the conflict of interest exists.

3 (3) The department shall return a record of decision to a
4 (~~conservancy~~) board without action where the department determines
5 that any member of a board has violated subsection (1) of this section.

6 (a) If a person seeking to rely on this section to disqualify a
7 commissioner knows of the basis for disqualification before the time
8 the board issues a record of decision, the person must request the
9 board to have the commissioner recuse himself or herself from further
10 involvement in processing the application, or be barred from later
11 raising that challenge.

12 (b) If the commissioner does not recuse himself or herself or if
13 the person becomes aware of the basis for disqualification after the
14 board issues a record of decision but within the time period under RCW
15 90.80.080(3) for filing objections with the department, the person must
16 raise the challenge with the department. If the department determines
17 that the commissioner should be disqualified under this section, the
18 director must remand the record of decision to the board for
19 reconsideration and resubmission of a record of decision. The
20 disqualified commissioner shall not participate in any further board
21 review of the application. The department's decision on whether to
22 remand a record of decision under this section may only be appealed at
23 the same time and in the same manner as an appeal of the department's
24 decision to affirm, modify, or reverse the record of decision after
25 remand.

26 (c) If the person becomes aware of the basis for disqualification
27 after the time for filing objections with the department, the person
28 may raise the challenge in an appeal of the department's final decision
29 under RCW 90.80.090.

30 (4) Each commissioner shall not less than annually disclose to the
31 board all financial interests in applications for water withdrawals or
32 water rights transfers pending before the department or pending before
33 any board. The disclosure statement shall be made available upon
34 request as a public record document and shall be included in the board
35 information provided to the department to assist the department in
36 preparing the report required by RCW 90.80.150.

1 **Sec. 2.** RCW 90.80.130 and 2001 c 237 s 17 are each amended to read
2 as follows:

3 (~~Water conservancy~~) (1) Board activities are subject to the open
4 public meetings act, chapter 42.30 RCW and to chapter 42.32 RCW. This
5 includes announcing meetings in advance.

6 (2) Boards shall annually provide to the department information
7 disclosing all payments or donations of moneys, services, and the
8 provision of donated facilities and equipment for the support of any of
9 the board's activities during the preceding year. The information
10 shall identify the payor or donor, describe the amount or type of
11 payment or donation, and the activity or activities that it supports.
12 The department shall post this information on its web site and
13 incorporate a summary of the information in its biennial report
14 required by RCW 90.80.150.

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