
**Agriculture & Natural Resources
Committee**

HB 1296

Brief Description: Creating a water commission.

Sponsors: Representatives Hinkle, Blake, Buys, Kretz, Warnick, Chandler, Klippert, Orcutt, Schmick, Armstrong, Haler, Walsh, Nealey, Fagan, Condotta, Taylor, Short, Johnson, McCune and Harris.

Brief Summary of Bill

- Creates the Washington State Water Commission to manage the state's water resources.

Hearing Date: 1/25/11

Staff: Courtney Barnes (786-7194).

Background:

Under the state water code, a person must have a water right for any use of surface water and for larger withdrawals of groundwater. A water right is a legal right to use a specified amount of water for a beneficial purpose. The Water Resources Program in Washington is managed by the Department of Ecology (Department).

Summary of Bill:

The Washington State Water Commission (Commission) is created to manage the state's water resources.

Membership.

The Commission consists of seven members:

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

- three commissioners must be residents of eastern Washington (east of the summit of the Cascade Mountains);
- three commissioners must be residents of western Washington (west of the summit of the Cascade Mountains); and
- one commissioner appointed by the Governor with the advice of the Washington Senate.

All commissioners must be registered to vote in this state. Elected commissioners serve four-year terms and must be elected at large from the portion of the state where they reside. The initial terms must be staggered so that a total of three commissioners are elected at each general election held in even-numbered years. The commissioner appointed by the Governor serves at the pleasure of the Governor.

Powers, Duties, and Functions.

With regard to water resources, the Commission has the following powers, duties, and functions:

- supervising public waters within the state (including appropriation, diversion, and use);
- supervising construction and inspection of all waterworks;
- making determinations as to the discharge of streams, springs, and other sources of water supply, and the capacities of lakes and reservoirs whose water are being or may be utilized for beneficial purposes;
- providing assistance to water right applicants;
- maintaining records;
- making written reports of the Commission's work to the Governor and Legislature;
- exercising all the powers and duties prescribed by law with respect to flood control;
- adopting rules;
- supervising water resource laws; and
- performing other duties as prescribed by law.

All powers, duties, and functions of the Department pertaining to the duties listed above are transferred to the Commission. All references to the Director or Department in the Revised Code of Washington are construed to mean the Chair or the Commission. The Commission may appoint an administrative officer and delegate the powers and duties of the Commission to the administrative officer.

Transfers to the Commission.

All funds, personnel, tangible property, and records held by the Department related to the Commission's powers and functions must be transferred to the Commission. If a dispute arises concerning the transfer of funds, personnel, tangible property, or records, the Director of the Office of Financial Management must make a determination as to the proper allocation of the property. All rules and pending business (including contracts) before the Department pertaining to the Commission's powers and functions must be continued and acted on by the Commission.

Appropriation: None.

Fiscal Note: Requested on 1/17/11.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.