
SUBSTITUTE HOUSE BILL 1296

State of Washington

62nd Legislature

2011 Regular Session

By House Agriculture & Natural Resources (originally sponsored by Representatives Hinkle, Blake, Buys, Kretz, Warnick, Chandler, Klippert, Orcutt, Schmick, Armstrong, Haler, Walsh, Nealey, Fagan, Condotta, Taylor, Short, Johnson, McCune, and Harris)

READ FIRST TIME 02/16/11.

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 this state.

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

16 The legislature declares that it is in the public interest that a
17 coordinated, integrated policy be formulated and means provided for the
18 development and implementation of plans and programs to enlarge the
19 usable water resources of this state and to promote and secure the

1 maximum beneficial use and control of all water resources to meet the
2 growing need for economic development while giving due consideration to
3 the environmental needs of the state.

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

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

7 (2) "Commission" means the Washington water commission.

8 (3) "Commissioner" means a member of the commission.

9 (4) "Department" means the department of ecology.

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

17 NEW SECTION. **Sec. 3.** There is created a department of state
18 government to be known as the Washington water commission. The
19 commission has the following powers, duties, and functions with regard
20 to water resources:

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

24 (2) The supervision of construction and inspection of all
25 waterworks for the purposes of reasonably securing safety to life and
26 property;

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

31 (4) Providing assistance to applicants for a water right in
32 obtaining or developing an adequate and appropriate supply of water
33 consistent with the land use permitted for the area in which the water
34 is to be used and the population forecast for the area under RCW
35 43.62.035;

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

3 (6) Making written reports of the commission's work to the governor
4 and the legislature with recommendations for legislation as the
5 commission deems advisable;

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

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

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

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

14 NEW SECTION. **Sec. 4.** (1) All powers, duties, and functions of the
15 department pertaining to those duties set out in section 3 of this act
16 are transferred to the commission. All references to the director or
17 the department in the Revised Code of Washington shall be construed to
18 mean the chair or the commission when referring to the functions
19 transferred in this section.

20 (2)(a) All reports, documents, surveys, books, records, files,
21 papers, or written material in the possession of the department
22 pertaining to the powers, functions, and duties transferred shall be
23 delivered to the custody of the commission. All cabinets, furniture,
24 office equipment, motor vehicles, and other tangible property employed
25 by the department in carrying out the powers, functions, and duties
26 transferred shall be made available to the commission. All funds,
27 credits, or other assets held in connection with the powers, functions,
28 and duties transferred shall be assigned to the commission.

29 (b) Any appropriations made to the department for carrying out the
30 powers, functions, and duties transferred shall, on the effective date
31 of this section, be transferred and credited to the commission.

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

1 (3) All employees of the department engaged in performing the
2 powers, functions, and duties transferred are transferred to the
3 jurisdiction of the commission. All employees classified under chapter
4 41.06 RCW, the state civil service law, are assigned to the commission
5 to perform their usual duties upon the same terms as formerly, without
6 any loss of rights, subject to any action that may be appropriate
7 thereafter in accordance with the laws and rules governing state civil
8 service.

9 (4) All rules and all pending business before the department
10 pertaining to the powers, functions, and duties transferred shall be
11 continued and acted upon by the commission. All existing contracts and
12 obligations shall remain in full force and shall be performed by the
13 commission.

14 (5) The transfer of the powers, duties, functions, and personnel of
15 the department shall not affect the validity of any act performed
16 before the effective date of this section.

17 (6) If apportionments of budgeted funds are required because of the
18 transfers directed by this section, the director of financial
19 management shall certify the apportionments to the agencies affected,
20 the state auditor, and the state treasurer. Each of these shall make
21 the appropriate transfer and adjustments in funds and appropriation
22 accounts and equipment records in accordance with the certification.

23 (7) Nothing contained in this section may be construed to alter any
24 existing collective bargaining unit or the provisions of any existing
25 collective bargaining agreement until the agreement has expired or
26 until the bargaining unit has been modified by action of the personnel
27 resources board as provided by law.

28 NEW SECTION. **Sec. 5.** (1) The commission may appoint an
29 administrative officer to be the administrative head of the commission.
30 The commission may delegate to the administrative officer the exercise
31 or discharge in the commission's name any authority, duty, or function
32 of whatever character vested in or imposed by law upon the commission,
33 except that the commission may not delegate its authority to adopt or
34 amend rules and regulations.

35 (2) Notwithstanding any delegation of power authorized under
36 subsection (1) of this section, the commission shall at all times have

1 authority to withdraw such delegation and to oversee, supervise, and
2 direct the administrative head of the commission in connection with the
3 implementation of the duties and responsibilities of the commission.

4 NEW SECTION. **Sec. 6.** (1) The commission consists of seven
5 members.

6 (2) The commissioners are appointed by the governor with the advice
7 of the Washington state senate.

8 (3) The commissioners serve at the pleasure of the governor.

9 NEW SECTION. **Sec. 7.** Sections 1 through 6 of this act constitute
10 a new chapter in Title 90 RCW.

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