

HOUSE BILL REPORT

ESB 5097

As Passed House:
April 5, 2017

Title: An act relating to clarifying procedures for appointment to the Chehalis board created by chapter 194, Laws of 2016.

Brief Description: Clarifying procedures for appointment to the Chehalis board created by chapter 194, Laws of 2016.

Sponsors: Senators Braun and Takko; by request of Department of Ecology.

Brief History:

Committee Activity:

Agriculture & Natural Resources: 3/15/17, 3/22/17 [DP].

Floor Activity:

Passed House: 4/5/17, 96-1.

Brief Summary of Engrossed Bill

- Makes adjustments to the procedures for the appointment and terms of certain members of the Chehalis Board.

HOUSE COMMITTEE ON AGRICULTURE & NATURAL RESOURCES

Majority Report: Do pass. Signed by 10 members: Representatives Blake, Chair; Buys, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Chandler, Lytton, Orcutt, Robinson, Schmick, Springer and J. Walsh.

Staff: Rebecca Lewis (786-7339).

Background:

The Chehalis Board (Board) was created in 2016 and is responsible for the oversight of a long-term strategy to reduce flood damages and restore aquatic species habitat in the Chehalis Basin. The strategy must include a detailed set of actions, an implementation schedule, and quantified measures to evaluate success.

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.

The Board consists of seven voting members. Four voting members are appointed by the Governor and are subject to Senate confirmation, including one member each from the Confederated Tribes of the Chehalis Reservation and the Quinault Indian Nation. The Chehalis Basin Flood Authority (Flood Authority) appoints three members. The Governor must seek board appointees that provide the expertise necessary to provide oversight of the Chehalis Basin strategy. The Governor must appoint one of the Flood Authority appointees to serve as chair. Board members may have neither a financial nor a regulatory interest in the actions of the Board.

The following officials serve as ex officio members of the Board:

- Director of the Department of Fish and Wildlife;
- Executive Director of the Conservation Commission;
- Secretary of the Department of Transportation;
- Director of the Department of Ecology; and
- Commissioner of Public Lands.

Each voting member of the Board is appointed for a four-year term, except that two members must initially be appointed for two years, and three members must initially be appointed for three years.

Summary of Bill:

The Governor must invite the Confederated Tribes of the Chehalis Reservation and the Quinault Indian Nation to each designate one voting member of the Board, not subject to Senate confirmation, to serve a four-year term.

Initially, the following members must be appointed for a two-year term:

- one member appointed by the Governor; and
- one member appointed by the Flood Authority.

Initially, the following members must be appointed for a three-year term:

- one member appointed by the Governor; and
- two members appointed by the Flood Authority.

Each member appointed thereafter must be appointed for a four-year term.

The requirement to seek members who possess applicable knowledge and expertise to provide oversight of the Chehalis Basin strategy applies to all appointing authorities, not limited to the Governor. Members of the Board may not have a financial interest in the actions of the Board, but may have a regulatory interest.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill contains an emergency clause and takes effect immediately.

Staff Summary of Public Testimony:

(In support) This bill was a request from both the Department of Ecology and the Quinault Indian Nation. It contains an important clarification to recognize the sovereignty of the tribes in making their appointments to the Board. The Department of Ecology supports the changes made in the Senate.

(Opposed) None.

Persons Testifying: Gordon White, Department of Ecology; and Tyson Johnston, Quinault Indian Nation.

Persons Signed In To Testify But Not Testifying: None.