

SHB 1885 - H AMD 177

By Representative Taylor

WITHDRAWN 03/01/2011

1 On page 26, after line 2, insert the following:

2 NEW SECTION. **Sec. 219.** The legislature finds that there is a  
3 critical need to establish a single purpose agency to administer  
4 Washington's water resource laws and that the agency be directly  
5 accountable to the voters of this state.

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

14 The legislature declares that it is in the public interest that a  
15 coordinated, integrated policy be formulated and means provided for the  
16 development and implementation of plans and programs to enlarge the  
17 usable water resources of this state and to promote and secure the  
18 maximum beneficial use and control of all water resources to meet the  
19 growing need for economic development while giving due consideration to  
20 the environmental needs of the state.

21 NEW SECTION. **Sec. 220.** The definitions in this section apply  
22 throughout this chapter unless the context clearly requires otherwise.

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

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

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

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

27 (5) "Public interest" means all uses of the water resources of this  
28 state and its impact on the state and its citizens, including the use  
29 of water for domestic, industrial, commercial, agricultural,

1 irrigation, hydroelectric power production, mining, thermal power  
2 production, recreation, and the preservation of environmental values  
3 and all other uses compatible with the enjoyment of the public waters  
4 of this state.

5 NEW SECTION. **Sec. 221.** There is created a department of state  
6 government to be known as the Washington water commission. The  
7 commission has the following powers, duties, and functions with regard  
8 to water resources:

9 (1) The supervision of the public waters within the state and their  
10 appropriation, diversion, and use, and of the various officers and  
11 employees of the state connected therewith;

12 (2) The supervision of construction and inspection of all  
13 waterworks for the purposes of reasonably securing safety to life and  
14 property;

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

19 (4) Providing assistance to applicants for a water right in  
20 obtaining or developing an adequate and appropriate supply of water  
21 consistent with the land use permitted for the area in which the water  
22 is to be used and the population forecast for the area under RCW  
23 43.62.035;

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

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

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

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

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

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

1        NEW SECTION.    **Sec. 222.**    (1) All powers, duties, and functions of  
2 the department pertaining to those duties set out in section 221 of  
3 this act are transferred to the commission. All references to the  
4 director or the department in the Revised Code of Washington shall be  
5 construed to mean the chair or the commission when referring to the  
6 functions transferred in this section.

7        (2)(a) All reports, documents, surveys, books, records, files,  
8 papers, or written material in the possession of the department  
9 pertaining to the powers, functions, and duties transferred shall be  
10 delivered to the custody of the commission. All cabinets, furniture,  
11 office equipment, motor vehicles, and other tangible property employed  
12 by the department in carrying out the powers, functions, and duties  
13 transferred shall be made available to the commission. All funds,  
14 credits, or other assets held in connection with the powers, functions,  
15 and duties transferred shall be assigned to the commission.

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

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

25        (3) All employees of the department engaged in performing the  
26 powers, functions, and duties transferred are transferred to the  
27 jurisdiction of the commission. All employees classified under chapter  
28 41.06 RCW, the state civil service law, are assigned to the commission  
29 to perform their usual duties upon the same terms as formerly, without  
30 any loss of rights, subject to any action that may be appropriate  
31 thereafter in accordance with the laws and rules governing state civil  
32 service.

33        (4) All rules and all pending business before the department  
34 pertaining to the powers, functions, and duties transferred shall be  
35 continued and acted upon by the commission. All existing contracts and  
36 obligations shall remain in full force and shall be performed by the  
37 commission.

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

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

10 (7) Nothing contained in this section may be construed to alter any  
11 existing collective bargaining unit or the provisions of any existing  
12 collective bargaining agreement until the agreement has expired or  
13 until the bargaining unit has been modified by action of the personnel  
14 resources board as provided by law.

15 NEW SECTION. **Sec. 223.** (1) The commission may appoint an  
16 administrative officer to be the administrative head of the commission.  
17 The commission may delegate to the administrative officer the exercise  
18 or discharge in the commission's name any authority, duty, or function  
19 of whatever character vested in or imposed by law upon the commission,  
20 except that the commission may not delegate its authority to adopt or  
21 amend rules and regulations.

22 (2) Notwithstanding any delegation of power authorized under  
23 subsection (1) of this section, the commission shall at all times have  
24 authority to withdraw such delegation and to oversee, supervise, and  
25 direct the administrative head of the commission in connection with the  
26 implementation of the duties and responsibilities of the commission.

27 NEW SECTION. **Sec. 224.** (1) The commission consists of seven  
28 members.

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

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

32 NEW SECTION. **Sec. 225.** Sections 219 through 224 of this act  
33 constitute a new chapter in Title 90 RCW."

34 Renumber the remaining section in Part 2 consecutively, correct any  
35 internal references accordingly, and correct the title.

EFFECT: Creates the Washington state water commission to manage the state's water resources (in lieu of the department of ecology's water resources management program).

--- END ---