
SENATE BILL 5210

State of Washington

62nd Legislature

2011 Regular Session

By Senators Delvin, Hobbs, Honeyford, Morton, Holmquist Newbry, Zarelli, Haugen, King, Hewitt, Schoesler, Hatfield, and Shin

Read first time 01/18/11. Referred to Committee on Environment, Water & Energy.

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.** The commission consists of seven members who
15 are registered to vote in this state. Three commissioners must be
16 residents of the portion of the state lying east of the summit of the
17 Cascade mountains and be elected at large from that portion of the
18 state. Three commissioners must be residents of the portion of the
19 state lying west of the summit of the Cascade mountains and be elected
20 at large from that portion of the state. The governor must appoint a
21 seventh commissioner with the advice of the Washington state senate.
22 Elected commissioners serve four-year terms. The initial terms must be
23 staggered so that a total of three commissioners are elected at each
24 general election held in even-numbered years. The commissioner
25 appointed by the governor serves at the pleasure of the governor.

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

32 (2)(a) All reports, documents, surveys, books, records, files,
33 papers, or written material in the possession of the department
34 pertaining to the powers, functions, and duties transferred shall be
35 delivered to the custody of the commission. All cabinets, furniture,
36 office equipment, motor vehicles, and other tangible property employed

1 by the department in carrying out the powers, functions, and duties
2 transferred shall be made available to the commission. All funds,
3 credits, or other assets held in connection with the powers, functions,
4 and duties transferred shall be assigned to the commission.

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

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

14 (3) All employees of the department engaged in performing the
15 powers, functions, and duties transferred are transferred to the
16 jurisdiction of the commission. All employees classified under chapter
17 41.06 RCW, the state civil service law, are assigned to the commission
18 to perform their usual duties upon the same terms as formerly, without
19 any loss of rights, subject to any action that may be appropriate
20 thereafter in accordance with the laws and rules governing state civil
21 service.

22 (4) All rules and all pending business before the department
23 pertaining to the powers, functions, and duties transferred shall be
24 continued and acted upon by the commission. All existing contracts and
25 obligations shall remain in full force and shall be performed by the
26 commission.

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

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

36 (7) Nothing contained in this section may be construed to alter any
37 existing collective bargaining unit or the provisions of any existing

1 collective bargaining agreement until the agreement has expired or
2 until the bargaining unit has been modified by action of the personnel
3 resources board as provided by law.

4 NEW SECTION. **Sec. 6.** (1) The commission may appoint an
5 administrative officer to be the administrative head of the commission.
6 The commission may delegate to the administrative officer the exercise
7 or discharge in the commission's name any authority, duty, or function
8 of whatever character vested in or imposed by law upon the commission,
9 except that the commission may not delegate its authority to adopt or
10 amend rules and regulations.

11 (2) Notwithstanding any delegation of power authorized under
12 subsection (1) of this section, the commission shall at all times have
13 authority to withdraw such delegation and to oversee, supervise, and
14 direct the administrative head of the commission in connection with the
15 implementation of the duties and responsibilities of the commission.

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

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