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SENATE BILL 5610

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State of Washington

55th Legislature

1997 Regular Session

By Senators Rasmussen, Swecker and Haugen

Read first time 02/03/97. Referred to Committee on Agriculture & Environment.

1 AN ACT Relating to the water resources board; adding new sections  
2 to chapter 43.131 RCW; adding a new chapter to Title 43 RCW; and making  
3 an appropriation.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** The legislature finds that balanced  
6 administration and management of the state water resources and water  
7 quality is of paramount importance to the citizens of the state. The  
8 legislature finds that regional differences in water resource  
9 conditions require greater consideration in the development and  
10 administration of water resource policy. The legislature finds that to  
11 effectively take regional differences into consideration the decision-  
12 making authority needs to be composed of persons from various regions  
13 of the state.

14 It is the intent of the legislature to establish a state board on  
15 water resources that consists of members representing all regions of  
16 the state. Further, it is the direction of the legislature that the  
17 board develop policies and implement programs that are balanced with  
18 the interests of all sectors of the state's residents taken into  
19 account.

1        NEW SECTION.    **Sec. 2.**    There is created a state board known as the  
2 Washington water resources board.    The board consists of five members.

3        (1) Members shall be appointed by the governor, with the consent of  
4 the senate.    Two of the members of the board shall reside east of the  
5 crest of the Cascade mountains and two shall reside west of the crest  
6 of the Cascade mountains, and one member shall represent the state at  
7 large.    No more than one member may reside in any one county.

8        In making appointments to the board, the governor shall select  
9 persons with recognized expertise in water-related issues, including  
10 but not limited to, issues regarding agriculture, tribes, hydroelectric  
11 production, fisheries, municipal and industrial supply, recreational  
12 uses, and water quality, and who have demonstrated the ability to work  
13 constructively in group settings.    No state officer or state employee  
14 may be appointed by the governor as a member of the board.    If an  
15 elective state official is appointed, the official must resign the  
16 elected office if the official accepts the appointment.

17        (2) The members of the board shall serve four-year terms except for  
18 one of the initial members from eastern Washington and one of the  
19 initial members from western Washington as designated by the governor  
20 who shall each serve two-year terms.    The terms of the initial members  
21 shall begin September 1, 1997.    At the first meeting of the board, it  
22 shall choose one of its members as chair.

23        (3) Each board member shall receive a salary as may be fixed by the  
24 governor in accordance with RCW 43.03.040.    A member may be dismissed  
25 by the governor before the expiration of his or her term for cause.

26        NEW SECTION.    **Sec. 3.**    The board has the following powers and  
27 duties:

28        (1) The board, by the adoption of rules, shall establish state-wide  
29 water policy and guidelines consistent with statutory law regarding the  
30 water resource and water quality programs and policies administered by  
31 the departments of ecology and health.    The initial policies and  
32 procedures considered by the board shall include a process for the  
33 development and approval of regional water resource plans, in-stream  
34 flow levels, hydraulic continuity, augmentation of water supplies,  
35 aquifer management, and water transfers.

36        (2) To assure consistency with state-wide policy, all state  
37 agencies shall provide the board with copies of any proposed rules  
38 affecting water resources or water quality issues.    The board may

1 comment on any proposed rule within the regular comment period with  
2 regard to any conflict between the proposed rule and state law, the  
3 policies and guidelines of the board, or any other rule. The state  
4 board of health and the department of ecology may not adopt a rule if  
5 the board has filed a comment under this subsection that the proposed  
6 rule would be in conflict with any rule of the board.

7 (3) When the board proposes to adopt a rule that is inconsistent  
8 with any existing rule of the board of health or the department of  
9 ecology, the board may, in concert with consideration of the proposed  
10 rule, initiate a proposal to modify or repeal the inconsistent rule in  
11 accordance with the provisions of the administrative procedure act.

12 (4) The board may employ staff necessary to carry on the  
13 administrative work of the board.

14 (5) The board may appoint technical working groups and advisory  
15 interest group committees to assist in carrying out its duties.

16 (6) The board may conduct inquiries and hearings as appropriate.

17 (7) Except for administrative matters, rules authorized under this  
18 section that are adopted before December 15th of any year do not take  
19 effect before the end of the regular legislative session in the next  
20 year and rules adopted after December 15th of any year do not take  
21 effect before the end of the regular legislative session in the second  
22 year following.

23 (8) The board shall review the proposed budget for water resource-  
24 related activities over which it has jurisdiction that are submitted by  
25 the departments of ecology and health. The agencies shall provide the  
26 proposed budget to the board forty working days before the due date for  
27 submission to the office of financial management. The board may call  
28 upon staff of either agency to make presentations to the board to  
29 explain the proposed budget submittal, including both operating and  
30 capital budget appropriations. The board may submit to the office of  
31 financial management a proposed budget for the water resources program  
32 that reflects the board's priorities.

33 NEW SECTION. **Sec. 4.** The department of ecology and the department  
34 of health shall each provide staff support to the board and shall  
35 cooperate fully in assuring the efficient functioning of the board.  
36 The board's expenses shall be incorporated and separately identified in  
37 departments' budgets. Other state agencies participating in providing

1 assistance to regional planning efforts or otherwise involved in water  
2 resources-related matters shall also cooperate with the board.

3 NEW SECTION. **Sec. 5.** The board shall submit a biennial report to  
4 the governor and the legislature containing a summary of the  
5 transactions and proceedings of the board together with a summary of  
6 any information gathered by the board and such other facts,  
7 suggestions, and recommendations as the governor or the legislature  
8 requests.

9 NEW SECTION. **Sec. 6.** A new section is added to chapter 43.131 RCW  
10 to read as follows:

11 The Washington water resources board and its powers and duties  
12 shall be terminated June 30, 2004, as provided in section 7 of this  
13 act.

14 NEW SECTION. **Sec. 7.** A new section is added to chapter 43.131 RCW  
15 to read as follows:

16 The following acts or parts of acts, as now existing or hereafter  
17 amended, are each repealed, effective June 30, 2005:

- 18 (1) Section 1 of this act;
- 19 (2) Section 2 of this act;
- 20 (3) Section 3 of this act;
- 21 (4) Section 4 of this act; and
- 22 (5) Section 5 of this act.

23 NEW SECTION. **Sec. 8.** Sections 1 through 5 of this act constitute  
24 a new chapter in Title 43 RCW.

25 NEW SECTION. **Sec. 9.** The sum of one hundred seventy-five thousand  
26 dollars, or as much thereof as may be necessary, is appropriated for  
27 the fiscal year ending June 30, 1998, from the general fund to the  
28 water resources board for the purposes of this act. The sum of one  
29 hundred seventy-five thousand dollars, or as much thereof as may be  
30 necessary, is appropriated for the fiscal year ending June 30, 1999,  
31 from the general fund to the water resources board for the purposes of  
32 this act.

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