

2 SHB 2357 - H AMD  
3 By Representative

4

5 On page 39, after line 14, insert the following:

6 NEW SECTION. **Sec. 28.** The legislature finds that there is a  
7 critical need to establish a single purpose agency to administer  
8 Washington's water resource laws and that the agency be directly  
9 accountable to the voters of the state of Washington.

10 The legislature declares that the findings of the governor's  
11 Washington competitiveness council released December 11, 2001, are  
12 accurate and that a water commission is necessary for the effective  
13 management of the water resources of the state. The legislature  
14 further declares that there is a growing necessity to provide for the  
15 increasing need of the state and its citizens for water for industrial,  
16 agricultural, residential, social, economic, recreational,  
17 environmental, and other needs and to plan, coordinate, restore, and  
18 regulate the utilization of our water resources in a manner that  
19 ensures that the public interest is protected.

20 NEW SECTION. **Sec. 29.** The definitions in this section apply  
21 throughout this chapter unless the context clearly requires otherwise.

22 (1) "Commission" means the Washington water commission.

23 (2) "Commissioner" means a member of the Washington water  
24 commission.

25 (3) "Chair" means the chair of the commission.

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

27 (5) "Public interest" means all uses of the water resources of the  
28 state and its impact on the state of Washington and its citizens,  
29 including the use of water for domestic, industrial, commercial,  
30 agricultural, irrigation, hydroelectric power production, mining,  
31 thermal power production, recreation, and the preservation of  
32 environmental values and all other uses compatible with the enjoyment  
33 of the public waters of the state.

1        NEW SECTION.    **Sec. 30.**    There is created a department of state  
2 government to be known as the Washington water commission.

3        The commission has the following powers, duties, and functions with  
4 regard to water resources:

5        (1) The supervision of the public waters within the state and their  
6 appropriation, diversion, and use, and of the various officers and  
7 employees of the state connected therewith;

8        (2) The supervision of construction and inspection of all water  
9 works for the purpose of reasonably securing safety to life and  
10 property;

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

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

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

22       (6) Making written reports of the office's work to the governor and  
23 the legislature with recommendations for legislation as the commission  
24 deems advisable;

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

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

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

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

33       NEW SECTION.    **Sec. 31.**    The commission consists of seven members  
34 who are registered voters. Three commissioners must be residents of  
35 the portion of the state lying east of the summit of the Cascade  
36 mountains and be elected at large from that portion of the state.  
37 Three commissioners must be residents of the portion of the state lying  
38 west of the summit of the Cascade mountains and be elected at large

1 from that portion of the state. The governor must appoint a seventh  
2 commissioner with the advice of the Washington state senate. Elected  
3 commissioners serve four-year terms. The initial terms must be  
4 staggered so that a total of three commissioners are elected at each  
5 general election held in even-numbered years. The commissioner  
6 appointed by the governor serves at the pleasure of the governor.

7 NEW SECTION. **Sec. 32.** (1) All powers, duties, and functions of  
8 the department of ecology pertaining to those powers and duties set out  
9 in section 30 of this act are transferred to the commission. All  
10 references to the director or the department of ecology in the Revised  
11 Code of Washington shall be construed to mean the commission when  
12 referring to the functions transferred in this section.

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

23 (b) Any appropriations made to the department of ecology for  
24 carrying out the powers, functions, and duties transferred shall, on  
25 the effective date of this section, be transferred and credited to the  
26 commission.

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

33 (3) All employees of the department of ecology engaged in  
34 performing the powers, functions, and duties transferred are  
35 transferred to the jurisdiction of the commission. All employees  
36 classified under chapter 41.06 RCW, the state civil service law, are  
37 assigned to the commission to perform their usual duties upon the same  
38 terms as formerly, without any loss of rights, subject to any action

1 that may be appropriate thereafter in accordance with the laws and  
2 rules governing state civil service.

3 (4) All rules and all pending business before the department of  
4 ecology pertaining to the powers, functions, and duties transferred  
5 shall be continued and acted upon by the commission. All existing  
6 contracts and obligations shall remain in full force and shall be  
7 performed by the commission.

8 (5) The transfer of the powers, duties, functions, and personnel of  
9 the department of ecology shall not affect the validity of any act  
10 performed before the effective date of this section.

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

17 (7) This section does not alter any existing collective bargaining  
18 unit or the provisions of any existing collective bargaining agreement  
19 until the agreement has expired or until the bargaining unit has been  
20 modified by action of the personnel resources board as provided by law.

21 NEW SECTION. **Sec. 33.** Sections 28 through 32 of this act  
22 constitute a new chapter in Title 90 RCW."

23 Renumber the remaining sections consecutively, correct internal  
24 references accordingly, and correct the title.

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