

# SENATE BILL REPORT

## SB 5387

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As Reported By Senate Committee On:  
Water, Energy & Environment, February 15, 2005

**Title:** An act relating to public information disclosure by water conservancy boards.

**Brief Description:** Requiring water conservancy board commissioners to disclose certain financial information. [Revised for 1st Substitute: Requiring water conservancy boards to disclose certain financial information.]

**Sponsors:** Senators Regala, Fraser, Rockefeller, Franklin, Pridemore, Keiser and Kline.

**Brief History:**

**Committee Activity:** Water, Energy & Environment: 2/3/05, 2/15/05 [DPS, DNP].

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### SENATE COMMITTEE ON WATER, ENERGY & ENVIRONMENT

**Majority Report:** That Substitute Senate Bill No. 5387 be substituted therefor, and the substitute bill do pass.

Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Fraser, Pridemore and Regala.

**Minority Report:** Do not pass.

Signed by Senators Morton, Ranking Minority Member; Hewitt and Honeyford.

**Staff:** Margaret King (786-7416)

**Background:** A water conservancy board (board) may act upon the same applications for water rights transfers as the Department of Ecology (department), subject to a final decision by the department Director. A board's activities are subject to the open public meetings act and each commissioner of the board is subject to a specific conflict of interest provision.

**Summary of Substitute Bill:** Changes are made to the reporting provisions for water conservancy boards.

A board must provide an annual report to the department disclosing specific information with respect to payments or donation of money, services, and donated facilities and equipment received by the board to support its activities or other activities that it supports. The department is required to incorporate a summary of the annual disclosure in its biennial report. The following are exempt for the annual disclosure requirement:

- donations of services by a commissioner carrying out board responsibilities; and
- donations by a commissioner or moneys or the provision of facilities or equipment where the value of the donation does not exceed one thousand dollars.

**Substitute Bill Compared to Original Bill:** Removes the addition to the conflict of interest provision that would require each commissioner to annually provide to each board a disclosure

statement setting forth all financial interests in applications for water withdrawals or transfers pending before the department or any board.

Modifies a board's annual report requirement by excluding from the annual disclosure report the donation of services by a commissioner carrying out board responsibilities and donations by a commissioner of moneys, or the provision of facilities or equipment, where the value of such donation does not exceed one thousand dollars.

Removes the requirement that a board's annual disclosure be posted on the department's web site.

**Appropriation:** None.

**Fiscal Note:** Available

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** JLARC Water Conservancy Boards Review Report 04-12 shows large differences in fees charged and public and private financial support. The public should know where their fees are being spent, and why, and how a board is being funded. A board has broad discretion and this provides for some transparency.

**Testimony Against:** There is already a conflict of interest provision that the Commissioner's must adhere to so there is no reason to have disclosure requirement. It is unclear what is meant by "financial interest." The required reporting by a board would be a burden so there should be a fiscal note. Perhaps some reporting requirement would be appropriate, but as written, it is too broad.

**Who Testified:** PRO: Senator Regala, prime sponsor; Joe Stohr, DOE; Craig Engelking, Sierra Club; Josh Baldi, Washington Enviro Council.

CON: Wesley McCart, Steven County Water Conservancy Board and Stevens County Farm Bureau; Merrill Ott, Steven county Commissioner; Jack Field, WA Cattlemen's Assn and on behalf of Chris Cheney, Lewis County Conservancy Board.