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SENATE BILL 5801

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State of Washington

64th Legislature

2015 Regular Session

By Senator Pearson

Read first time 02/03/15. Referred to Committee on Agriculture,  
Water & Rural Economic Development.

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  
12 water 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  
18 the development and implementation of plans and programs to enlarge  
19 the usable water resources of this state and to promote and secure  
20 the maximum beneficial use and control of all water resources to meet

1 the growing need for economic development while giving due  
2 consideration to the environmental needs of the state.

3 NEW SECTION. **Sec. 2.** The definitions in this section apply  
4 throughout this chapter unless the context clearly requires  
5 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  
11 this state and its impact on the state and its citizens, including  
12 the use 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  
20 regard to water resources:

21 (1) The supervision of the public waters within the state and  
22 their appropriation, diversion, and use, and of the various officers  
23 and 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  
34 water is to be used and the population forecast for the area under  
35 RCW 43.62.035;

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

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

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

6 (8) The adoption of rules for the administration of Washington  
7 water resource laws;

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

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

12 NEW SECTION. **Sec. 4.** The commission consists of seven members  
13 who are registered to vote in this state. Three commissioners must be  
14 residents of the portion of the state lying east of the summit of the  
15 Cascade mountains and be elected at large from that portion of the  
16 state. Three commissioners must be residents of the portion of the  
17 state lying west of the summit of the Cascade mountains and be  
18 elected at large from that portion of the state. The governor must  
19 appoint a seventh commissioner with the advice of the Washington  
20 state senate. Elected commissioners serve four-year terms. The  
21 initial terms must be staggered so that a total of three  
22 commissioners are elected at each general election held in even-  
23 numbered years. The commissioner appointed by the governor serves at  
24 the pleasure of the governor.

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

31 (2)(a) All reports, documents, surveys, books, records, files,  
32 papers, or written material in the possession of the department  
33 pertaining to the powers, functions, and duties transferred shall be  
34 delivered to the custody of the commission. All cabinets, furniture,  
35 office equipment, motor vehicles, and other tangible property  
36 employed by the department in carrying out the powers, functions, and  
37 duties transferred shall be made available to the commission. All  
38 funds, credits, or other assets held in connection with the powers,

1 functions, and duties transferred shall be assigned to the  
2 commission.

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

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

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

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

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

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

35 (7) Nothing contained in this section may be construed to alter  
36 any existing collective bargaining unit or the provisions of any  
37 existing collective bargaining agreement until the agreement has  
38 expired or until the bargaining unit has been modified by action of  
39 the personnel resources board as provided by law.

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

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

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

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