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**SENATE BILL 5801**

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**State of Washington 64th Legislature 2015 Regular Session**

**By** Senator Pearson

AN ACT Relating to creating a water commission; and adding a new chapter to Title 90 RCW.

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

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

The legislature declares that a water commission is necessary for the effective management of the water resources of the state. The legislature further declares that there is a growing necessity to provide for the increasing need of the state and its citizens for water for industrial, agricultural, residential, social, economic, recreational, environmental, and other needs and to plan, coordinate, restore, and regulate the utilization of our water resources in a manner that ensures that the public interest is protected.

The legislature declares that it is in the public interest that a coordinated, integrated policy be formulated and means provided for the development and implementation of plans and programs to enlarge the usable water resources of this state and to promote and secure the maximum beneficial use and control of all water resources to meet the growing need for economic development while giving due consideration to the environmental needs of the state.

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

(1) "Chair" means the chair of the commission.

(2) "Commission" means the Washington water commission.

(3) "Commissioner" means a member of the commission.

(4) "Department" means the department of ecology.

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

NEW SECTION. **Sec.**  There is created a department of state government to be known as the Washington water commission. The commission has the following powers, duties, and functions with regard to water resources:

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

(2) The supervision of construction and inspection of all waterworks for the purposes of reasonably securing safety to life and property;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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