

2 **ESHB 1442** - S COMM AMD  
3 By Committee on Energy & Utilities

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5 Strike everything after the enacting clause and insert the  
6 following:

7 "NEW SECTION. **Sec. 1.** FINDINGS AND PURPOSE. The legislature  
8 finds that there is a need to comprehensively review the policies and  
9 institutional framework governing the management, protection, and  
10 enhancement of water resources in the state of Washington. As a result  
11 of the proliferation of water resource programs, planning requirements,  
12 and ever-increasing demands on the resource, the need for coordinated  
13 and efficient water resource is essential. In order to provide a  
14 consolidated approach to water resource management and to provide  
15 consistent and timely decision making, the legislature further finds  
16 that, to the extent possible, the executive and the legislative  
17 branches of state government should work together with the help of  
18 local governments and tribal governments on water resources issues that  
19 are state-wide in their significance.

20 It is therefore the purpose of this act to create a water resource  
21 commission to comprehensively review the water resource management  
22 programs in the state and make recommendations for improvement and  
23 implementation of management decisions.

24 NEW SECTION. **Sec. 2.** COMMISSION CREATED. (1) There is created  
25 the Washington water resources policy commission. The commission shall  
26 be comprised of between twenty-two and twenty-seven members as follows:

- 27 (a) The governor or the governor's representative;  
28 (b) Five members of the house of representatives, appointed by the  
29 speaker of the house of representatives, with at least two members from  
30 each major caucus;  
31 (c) Five members of the senate, appointed by the president of the  
32 senate, with at least two members from each major caucus;  
33 (d) Five members, appointed by the governor, to represent varied  
34 water resource-related responsibilities;  
35 (e) Five members representing local government;

1 (f) The commissioner of public lands, or designee.

2 (2) The governor may appoint up to five representatives of  
3 federally recognized Indian tribes.

4 (3) The commission may appoint a variety of temporary or ongoing  
5 advisory groups to advise it on various subjects it is studying. This  
6 shall include a tribal advisory group.

7 (4) The commission shall convene at the call of the governor under  
8 section 4 of this act, and at that time, the legislative members shall  
9 elect a chair.

10 (5) The legislature shall provide the staff for the commission.  
11 The governor, the commissioner of public lands, and the attorney  
12 general shall cooperate in assuring the assignment of staff having  
13 expertise in the matters under review by the commission.

14 (6) Per diem compensation shall be provided to the nongovernmental  
15 members appointed under subsections (1)(d) and (2) of this section  
16 pursuant to RCW 43.03.240.

17 (7) The governor shall make the appointments required under  
18 subsections (1)(d) and (2) of this section no later than ninety days  
19 following the effective date of this section.

20 (8) Except as specifically provided in this act, the commission  
21 shall determine the procedures for conducting the commission's  
22 activities. In any report or recommendations to the governor and  
23 legislature, the commission shall allow the inclusion of minority  
24 positions.

25 (9) The commission may enter into contracts for the performance of  
26 work necessary to assist the commission in its duties under this act.

27 NEW SECTION. **Sec. 3.** COMMISSION DUTIES. The commission shall  
28 conduct a comprehensive review of water resources management in  
29 Washington that includes:

30 (1) An identification of all programs governing flood and storm  
31 water management, water supply delivery, provision of adequate water  
32 supplies for domestic and municipal needs, and for the production of  
33 food and fiber for existing and future populations, water quality  
34 protection, instream and riparian habitat protection, and other water  
35 resource management needs;

36 (2) An assessment of the performance of existing programs in  
37 achieving coordinated water resource management, that identifies

1 specific conflicting or inconsistent strategies, standards,  
2 jurisdiction, or planning requirements;

3 (3) Recommendations for the coordination and integration of state  
4 water resource programs, including the need for an independent water  
5 resources agency;

6 (4) Recommendations for comprehensive statutory policies on water  
7 allocation procedures and priorities, including revisions of the  
8 state's surface and ground water codes;

9 (5) Recommendations to achieve water resource management on a  
10 watershed basis;

11 (6) Recommendations for changes to water resource planning programs  
12 to achieve a comprehensive regional planning framework whose boundaries  
13 recognize hydrological boundaries;

14 (7) Recommendations for the consolidation of state water resources  
15 and water quality funding programs;

16 (8) Recommendations for integrating permit programs for the  
17 withdrawal of water and the discharge of pollutants to state waters;

18 (9) Recommendations for the creation of market-based systems for  
19 water allocation, including but not limited to transfers, consumption-  
20 based rate structures, incentives for conservation of irrigation water,  
21 and water marketing;

22 (10) Assessment of the impact of hydrologic continuity on the  
23 management of programs governing surface and ground waters, and  
24 recommendations for improved management regimes;

25 (11) Recommendations for state and local government coordination of  
26 water quality and resource planning consistent with the programs and  
27 objectives of the growth management act; and

28 (12) Any other water resources-related issues that the commission  
29 finds relevant.

30 NEW SECTION. **Sec. 4.** COMMISSION MEETINGS. Within one hundred  
31 twenty days following the effective date of this section, the governor  
32 shall schedule the initial meeting of the commission. The commission  
33 shall determine the location and frequency of its meetings, but shall  
34 meet at least quarterly. Commission meetings shall be open to the  
35 public, and written notice of scheduled commission meetings shall be  
36 provided to persons requesting such notice. The commission shall  
37 accept and consider written comments on the subjects included in its

1 work plan, and shall endeavor to provide opportunities for public  
2 comment within its meeting schedule.

3 NEW SECTION. **Sec. 5.** COMMISSION WORK PLAN. The commission shall  
4 develop a work plan that sets priorities for review of the subjects  
5 described in section 3 of this act and such additional subjects that  
6 the commission identifies for review. The work plan shall schedule the  
7 subjects for review over the period of the commission's authorized  
8 life, and identify its goals for providing a report to the legislature  
9 on each subject. The work plan shall describe the tasks proposed for  
10 each review item and estimated funding needs. The work plan shall be  
11 submitted to the fiscal committees of the legislature and to the office  
12 of financial management no later than December 1, 1993.

13 Notwithstanding the work plan schedule, the commission shall report  
14 to the legislature on those subjects required by section 3 (1), (2),  
15 (3), and (4) of this act no later than November 1, 1994.

16 NEW SECTION. **Sec. 6.** REPORTS. The commission shall periodically  
17 report to the governor and the legislature as it accomplishes its  
18 review of the subjects identified in its work plan. The reports shall  
19 describe current conditions and program effectiveness, and shall  
20 include recommendations for legislative and administrative action to  
21 meet the legislative purpose set forth in section 1 of this act.

22 NEW SECTION. **Sec. 7.** FEDERALLY RECOGNIZED INDIAN TRIBES. The  
23 legislature recognizes that federally recognized tribes and the state  
24 of Washington have historical relationships and unique rights governed  
25 by federal and state constitutions, statutes, and treaties with the  
26 United States government and executive orders of the President of the  
27 United States. Federally recognized Indian tribes are independent  
28 sovereign governments. Tribal participation on the commission created  
29 in this act is intended to provide direct input and to enhance  
30 coordination between governments; however, participation does not imply  
31 formal representation individually or collectively of the federally  
32 recognized Indian tribes.

33 NEW SECTION. **Sec. 8.** The water resources policy commission  
34 created in this act shall recognize, and to the extent practicable  
35 coordinate with, the department of ecology water resources program and

1 any advisory bodies that are in existence as of the effective date of  
2 this section to the department of ecology water resources program.

3 NEW SECTION. **Sec. 9.** This act is necessary for the immediate  
4 preservation of the public peace, health, or safety, or support of the  
5 state government and its existing public institutions, and shall take  
6 effect immediately.

7 NEW SECTION. **Sec. 10.** Captions as used in this act constitute no  
8 part of the law.

9 NEW SECTION. **Sec. 11.** Sections 1 through 10 of this act and the  
10 Washington water resources policy commission shall expire December 31,  
11 1996."

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15 On page 1, line 2 of the title, after "management;" strike the  
16 remainder of the title and insert "creating new sections; providing an  
17 expiration date; and declaring an emergency."

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