

2 **2SSB 6291** - S AMD 000301

3 By Senators Rasmussen, Newhouse, Loveland, Fraser, Morton,
4 Sutherland and Williams

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6 On page 17, beginning on line 31, strike all of section 25 and
7 insert the following:

8 "NEW SECTION. **Sec. 25.** (1) The department of ecology shall in
9 conjunction with the task force created in section 3, chapter 495, Laws
10 of 1993 develop a budget process for its water rights administration
11 program that accomplishes the following:

- 12 (a) Identifies targets for permitting activities for the biennium;
13 (b) Identifies workload standards;
14 (c) Prepares a draft budget;
15 (d) Provides for timely public review of the draft budget; and
16 (e) Circulates a final budget.

17 (2) The department of ecology shall, in conjunction with the water
18 rights programs review task force, establish and periodically review
19 the following:

- 20 (a) Workload standards and proposed incentives to improve such
21 standards;
22 (b) Program expenditure categories to account for and track costs
23 related to the water rights administration program; and
24 (c) Success measures based upon programmatic results designed to
25 evaluate program effectiveness and standards for defining the measures.

26 In establishing the initial workload standards, the legislature has
27 an expectation that the department of ecology will process a simple,
28 basic application in six months and an application of intermediate
29 difficulty in one year.

30 (3) The task force shall report annually to the legislature on the
31 success measures established, the number of water right permit
32 decisions made, and the associated costs of administering the water
33 rights program.

34 (4) The legislature may provide for another state entity or an
35 independent contractor to conduct periodic performance audits or
36 evaluations of the effectiveness and efficiency of the department of

1 ecology in meeting its workload standards and achieving programmatic
2 success.

3 (5) This section shall expire on June 30, 1998.

4 **Sec. 26.** 1993 c 495 s 3 (uncodified) is amended to read as
5 follows:

6 (1) There is created a water rights ~~((fees))~~ programs review task
7 force. The task force shall be comprised of ~~((fourteen))~~ fifteen
8 members, who are appointed as follows:

9 (a) Two members of the Washington state house of representatives,
10 one from each major caucus, to be appointed by the speaker of the house
11 of representatives;

12 (b) Two members of the Washington state senate, one from each major
13 caucus, to be appointed by the president of the senate;

14 (c) ~~((Ten))~~ Eleven members, to be appointed jointly by the speaker
15 of the house of representatives and the president of the senate, to
16 represent the following interests: Agriculture, aquaculture, business,
17 cities, counties, the state department of ecology, environmentalists,
18 water recreation interests, water utilities, rural residential
19 interests, and hydropower interests. ~~((The task force may establish
20 technical advisory committees as necessary to complete its tasks.))~~

21 (2) In addition to the functions established in section 25 of this
22 act, the task force shall conduct a ~~((comprehensive))~~ review ~~((of water~~
23 ~~rights fees. The task force's tasks shall include)),~~ including but not
24 ~~((be))~~ limited to the following matters:

25 (a) ~~((Identification of the costs associated with the various~~
26 ~~activities and services provided by the water rights program and~~
27 ~~examination of how these costs compare with the fees charged for these~~
28 ~~activities and services;~~

29 (b) ~~Identification of appropriate accountability measures for the~~
30 ~~department of ecology to employ in administration of the water rights~~
31 ~~program. — Recommendations of accountability requirements and~~
32 ~~measurements shall take into account the distinctive characteristics of~~
33 ~~the water rights program, that is, that the department receives a large~~
34 ~~number of applications on a one-time basis and that the department of~~
35 ~~ecology must meet its legal obligations under the doctrine of prior~~
36 ~~appropriation;~~

1 ~~(c) Identification of which program activities should be eligible~~
2 ~~for cost recovery from fees, as well as which direct and indirect costs~~
3 ~~of program administration;~~

4 ~~(d) Review of the application, examination, and water rights permit~~
5 ~~requirements for marine water users to determine if these users should~~
6 ~~receive special fee consideration;~~

7 ~~(e) Review of the definition and treatment of nonconsumptive water~~
8 ~~uses to determine if special fee consideration should be given to these~~
9 ~~users;~~

10 ~~(f) Review of the fees and accounting methods for the dam safety~~
11 ~~program;~~

12 ~~(g) Identification of the appropriate distribution of~~
13 ~~responsibility between the applicant and the department of ecology for~~
14 ~~provision of technical information and analysis; and~~

15 ~~(h) Establishment of a reasonable time framework for completion of~~
16 ~~new and pending water rights applications, and an analysis of the staff~~
17 ~~and funding levels required to meet the established time framework))~~
18 Implementation of the development and maintenance of the water resource
19 data management system, monitored on an annual basis; and

20 (b) The use and amount of funds available for the water right
21 permit processing and data management programs and the transition
22 between fiscal year 1998 and fiscal year 1999.

23 (3) Before December 1, ~~((1993))~~ 1997, the task force shall provide
24 recommendations to the legislature regarding:

25 ~~(a) ((Provide recommendations to the department of ecology on ways~~
26 ~~to improve the efficiency and accountability of the water rights~~
27 ~~program;~~

28 ~~(b) Provide recommendations to the legislature on statutory changes~~
29 ~~necessary to make these efficiency and accountability improvements; and~~

30 ~~(c) Propose a new fee schedule for the water rights program which~~
31 ~~incorporates the results of the task force's work and which funds~~
32 ~~through fees fifty percent of the cost of the activities and services~~
33 ~~provided by the program))~~ The efficiency and accountability of the
34 water right permit processing program and the need for change to the
35 level of funding in fiscal year 1999;

36 (b) The future direction of the water resource data management
37 program and the need for changes to the level of funding in fiscal year
38 1999; and

1 (c) Modification to the fee schedule to fund water right permit
2 processing and data management programs that is to go into effect on
3 July 1, 1998, including a reexamination of the fee on exempt wells
4 established in RCW 90.03.--- (section 28 of this act).

5 (4) The department of ecology and the legislature shall jointly
6 provide for the staff support of the task force.

7 (5) The task force shall convene as soon as possible upon the
8 appointment of its members. Task force members shall elect a chair and
9 adopt rules for conducting the business of the task force. The task
10 force shall expire on June 30, (~~1994~~) 1998."

11 Renumber the remaining sections consecutively and correct any
12 internal references accordingly.

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17 On page 1, line 4 of the title, after "90.40.090;" insert "amending
18 1993 c 495 s 3 (uncodified);"

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