

HOUSE BILL REPORT

SSCR 8408

As Reported By House Committee On:

Agriculture & Ecology

Brief Description: Creating a water resource policy report to analyze and explain water resource statutes and rules.

Sponsors: Senate Committee on Agriculture & Environment (originally sponsored by Senators Morton, Snyder, McDonald, Loveland, Haugen, Sellar, Prince, Rasmussen, Hochstatter, Bauer, Winsley, Newhouse, Hargrove, Hale, Anderson, Schow, Spanel, McCaslin, Stevens, Strannigan, Fraser, Franklin and Roach).

Brief History:

Committee Activity:

Agriculture & Ecology: 4/3/97 [DPA].

HOUSE COMMITTEE ON AGRICULTURE & ECOLOGY

Majority Report: Do pass as amended. Signed by 9 members: Representatives Chandler, Chairman; Parlette, Vice Chairman; Schoesler, Vice Chairman; Linville, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Cooper; Delvin; Mastin and Regala.

Minority Report: Do not pass. Signed by 2 members: Representatives Koster and Sump.

Staff: Kenneth Hirst (786-7105).

Background: In 1988, a Joint Select Committee on Water Resource Policy was established. An independent fact-finding service— was employed to document the opinions of interested parties, facilitate discussions on the fundamentals of water resource policy, and identify needed changes or clarifications for state water allocation law. The service reported its recommendations to the joint select committee. The joint select committee was originally scheduled to be terminated on June 30, 1991, but its termination was extended until June 30, 1993.

Summary of Amended Resolution: A joint select committee on Clarifying State Water Law is established to examine the hard-to-interpret provisions of the statutes governing water allocation, instream flows, and other related water resource management issues. The committee is to recommend clarifications to the provisions

without changing state policy. The committee consist of eight members with four members appointed by the Speaker of the House of Representatives, two each from the majority party caucus and the minority party caucus, and four members appointed by the President of the Senate, two each from the majority party caucus and the minority party caucus. The members of the committee are to select co-chairs, one from the House of Representatives and one from the Senate. Staff support for the joint select committee are to be provided by the Office of Program Research and Senate Committee Services. The joint select committee must report its recommendations to the Legislature in the form of proposed legislation by December 1, 1997.

Amended Resolution Compared to Substitute Senate Concurrent Resolution: The underlying bill requires the appointment of two independent fact finders to conduct the study, authorizes the expenditure of monies for the employment of the fact finders and requires them to report to the standing committees on Agriculture & Ecology and Agriculture and the Environment. In the amendment, the study is conducted by a joint select committee. The amendment establishes the composition of the committee and requires it to report clarifying legislation to the Legislature by December 1, 1997.

Appropriation: None.

Fiscal Note: Not requested.

Testimony For: (1) The fact finders would examine the statutes, allow the Department of Ecology to review their recommendations, and then report to the Legislature. It would be a process similar to legislative redistricting. (2) The last fact finder found that the water laws were written broadly with conflicting provisions. This study is needed to provide details for the recommendations made by the last fact finder.

Testimony Against: (1) The reason state water law is written broadly is that it must accommodate the differences between conditions in eastern and western Washington. (2) The statutes are not the problem; the problem lies with the administrative rules. These are what should be studied. The Legislature has been placed in the position of having to overrule bad rules. (3) Things have not changed much since the last fact finder, Steven Shupe, made his recommendations. The appendices to those recommendations provide the detail sought by the resolution. This approach is not needed.

Testified: Senator Morton, prime sponsor; and Scott Barr (in favor). Judy Turpin, Washington Environmental Council (opposed). Karla Fullerton, Washington Cattlemen's Association (commented on the resolution).