

# SENATE BILL REPORT

## SJR 8224

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As of February 3, 2004

**Brief Description:** Amending the Constitution to authorize a water court.

**Sponsors:** Senators Honeyford, Morton, Mulliken and T. Sheldon.

**Brief History:**

**Committee Activity:** Natural Resources, Energy & Water: 2/4/04.

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### SENATE COMMITTEE ON NATURAL RESOURCES, ENERGY & WATER

**Staff:** Evan Sheffels (786-7486)

**Background:** In the 2002 Regular Session, the Washington State Legislature created a joint task force "to study judicial and administrative alternatives for resolving water disputes" and to issue a report to the Legislature. The members of the task force included representatives of the Legislature, the superior courts, the Court of Appeals, the Environmental Hearings Office, the Department of Ecology, and the Attorney General's Office.

According to the Water Disputes Task Force Report issued by the Attorney General, one overriding recommendation the task force believes would help in resolving water rights disputes is the creation of a specialized water rights court. Water court division lines would match the boundaries of the state's three Court of Appeals divisions, with: (i) division one including Whatcom, Skagit, Snohomish, King, San Juan, and Island counties; (ii) division two including Clallam, Jefferson, Kitsap, Mason, Grays Harbor, Pierce, Thurston, Lewis, Pacific, Wahkiakum, Cowlitz, Skamania, and Clark counties; and (iii) division three including Pend Oreille, Stevens, Ferry, Okanogan, Chelan, Douglas, Lincoln, Spokane, Whitman, Adams, Grant, Kittitas, Yakima, Klickitat, Benton, Franklin, Walla Walla, Columbia, Garfield, and Asotin counties.

The water court would be created as a branch of the superior court, and jurisdiction over certain water disputes, like adjudications, would lie exclusively with the water court instead of the superior courts. Water court judges would not have jurisdiction over other cases typically handled by superior court judges. To authorize these jurisdictional changes, the constitutional provisions establishing the general jurisdiction of the superior courts would need to be amended.

**Summary of Bill:** At the next general election to be held in this state a proposed amendment to Article IV of the Constitution of the state of Washington must be submitted to the qualified voters of the state for their approval and ratification, or rejection.

In addition to the superior courts authorized under Article IV, judicial power is vested in a water court. Issues relating to the jurisdiction of the water court, review of water court actions, and the number of water court judges must be as provided by statute or rules authorized by statute.

Water court judge removal and retirement provisions shall be the same as the provisions for superior court judges. The administration and procedures of the water court must be as provided by rules issued by the Supreme Court.

Water court judges must be elected in the same manner as superior court judges, except water court judges serve six-year terms and must reside within the division in which they serve. All registered voters residing within a Court of Appeals division are eligible to vote in a judicial election for the water court division with the same boundaries.

**Appropriation:** None.

**Fiscal Note:** Requested on February 2, 2004.

**Effective Date:** The proposed amendments to Article IV of the state Constitution take effect, if approved and ratified by the voters, at the next general election.