

# HOUSE BILL REPORT

## HB 1146

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### As Passed Legislature

**Title:** An act relating to certified water right examiner bonding requirements.

**Brief Description:** Concerning certified water right examiner bonding requirements.

**Sponsors:** Representatives Nealey, Blake, Chandler, Lytton, Warnick, Schmick, Walsh, Ryu and Haler.

#### **Brief History:**

##### **Committee Activity:**

Agriculture & Natural Resources: 1/31/13, 2/7/13 [DP].

##### **Floor Activity:**

Passed House: 3/4/13, 98-0.

Passed Senate: 4/12/13, 47-1.

Passed Legislature.

#### **Brief Summary of Bill**

- Requires certified water right examiners to furnish evidence of insurance or financial responsibility, replacing the specific bonding requirement.

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### HOUSE COMMITTEE ON AGRICULTURE & NATURAL RESOURCES

**Majority Report:** Do pass. Signed by 14 members: Representatives Blake, Chair; Lytton, Vice Chair; Chandler, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Buys, Dunshee, Haigh, Hurst, Kretz, Orcutt, Pettigrew, Schmick, Stanford and Warnick.

**Staff:** Cherlyn Walden (786-7296).

#### **Background:**

The Department of Ecology (Department) is required to establish and maintain a list of certified water right examiners. In order to qualify as a water right examiner, an individual must be registered as a professional engineer, professional land surveyor, hydrogeologist, or must demonstrate at least five years of applicable experience to the Department, or be a

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member of a water conservancy board. Qualified individuals must also pass a written examination in order to become certified.

Certified water right examiners are required to complete eight hours of qualifying continuing education in the water resources field each year, and must be bonded for at least \$50,000. The Department has the authority to suspend or revoke certifications based on poor performance, malfeasance, failure to acquire continuing education credits, or excessive complaints from examiner's customers.

**Summary of Bill:**

Certified water right examiners are required to furnish evidence of insurance or financial responsibility in a form acceptable to the Department. This replaces the former requirement that each certified water right examiner be bonded for at least \$50,000.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) People interested in becoming certified water right examiners have told the Department that the \$50,000 bond requirement is unreasonably expensive and burdensome. The Department adopted a rule regarding certified water right examiners that left the insurance question open to allow for a bill like this one to pass. Hydrogeologists, engineers, and surveyors, for the most part, have insurance that come with their certifications. The Department is in the process of determining what kind of insurance would be acceptable to the Department. The Department is hopeful that general liability insurance may be acceptable since certified water right examiners' decisions are ultimately approved by the Department.

(Opposed) None.

**Persons Testifying:** Representative Nealey, prime sponsor; and Evan Sheffels, Department of Ecology.

**Persons Signed In To Testify But Not Testifying:** None.