

SENATE BILL REPORT

SB 5801

As Reported by Senate Committee On:
Agriculture, Water & Rural Economic Development, February 17, 2015

Title: An act relating to creating a water commission.

Brief Description: Creating a water commission.

Sponsors: Senator Pearson.

Brief History:

Committee Activity: Agriculture, Water & Rural Economic Development: 2/10/15, 2/17/15
[DP-WM, DNP].

SENATE COMMITTEE ON AGRICULTURE, WATER & RURAL ECONOMIC DEVELOPMENT

Majority Report: Do pass and be referred to Committee on Ways & Means.
Signed by Senators Warnick, Chair; Dansel, Vice Chair; Honeyford.

Minority Report: Do not pass.
Signed by Senators Hatfield, Ranking Minority Member; Hobbs.

Staff: Bonnie Kim (786-7316)

Background: Under the state water code, a person must have a water right for any use of surface water and for larger withdrawals of groundwater. A water right is a legal right to use a specified amount of water for a beneficial purpose. The Department of Ecology (Ecology) manages the Water Resources Program (Program) in Washington. Among other duties, the Program processes applications and permits for the use of water and makes a final certification that there is an adequate water supply.

Summary of Bill: The Washington State Water Commission (Commission) is created to manage the state's water resources.

Membership. The Commission consists of seven members: six elected commissioners and one Governor-appointed commissioner.

Powers, Duties, and Functions. With respect to water resources, the Commission has the following powers, duties, and functions:

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

- supervising public waters within the state – including appropriation, diversion, and use;
- supervising construction and inspection of all waterworks;
- making determinations as to the discharge of streams, springs, and other sources of water supply, and the capacities of lakes and reservoirs whose waters are being or may be utilized for beneficial purposes;
- providing assistance to water right applicants;
- maintaining records;
- making written reports of the Commission's work to the Governor and Legislature;
- exercising all the powers and duties prescribed by law with respect to flood control;
- adopting rules;
- supervising water resource laws; and
- performing other duties as prescribed by water resource-related law.

All powers, duties, and functions of Ecology pertaining to the duties listed above are transferred to the Commission. All references to the Director or Ecology in the Revised Code of Washington are construed to mean the Chair or the Commission. The Commission may appoint an administrative officer and delegate the powers and duties of the Commission to the administrative officer.

Transfers to the Commission. All funds, personnel, tangible property, and records held by Ecology related to the Commission's powers and functions must be transferred to the Commission. If a dispute arises concerning the transfer of funds, personnel, tangible property, or records, the Director of the Office of Financial Management must make a determination as to the proper allocation of the property. All rules and pending business – including contracts – before Ecology pertaining to the Commission's powers and functions must be continued and acted on by the Commission.

Appropriation: None.

Fiscal Note: Requested on February 5, 2015.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: Ecology is burdened with a number of very serious water resource issues in our state. This bill will help the people living in the Skagit River basin.

CON: The cost of transitioning duties to a new agency is substantial. There may also be a loss of experienced staff.

OTHER: A new organizational structure would not address existing water resources issues. We have big challenges finding water for human use in rural areas and, in particular, in the Skagit River basin. The challenges are not due to the current organizational structure.

Persons Testifying: PRO: Senator Pearson, prime sponsor.

CON: Bruce Wishart, Sierra Club, Center for Environmental Law and Policy.

OTHER: Tom Loranger, Ecology.