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**SUBSTITUTE SENATE CONCURRENT RESOLUTION 8408**

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**State of Washington**

**55th Legislature**

**1997 Regular Session**

**By** 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)

Read first time 03/05/97.

1       WHEREAS, The Water Resource Statutes are written in a broad manner  
2 and as a result there is a wide range of different interpretations of  
3 the law which causes much confusion; and

4       WHEREAS, This situation creates major problems for the Department  
5 of Ecology and water users throughout the state; and

6       WHEREAS, This situation causes considerable delays and much higher  
7 costs for the Department of Ecology and water users; and

8       WHEREAS, An unusually large number of water right appeals of the  
9 Department of Ecology actions have overloaded the Pollution Control  
10 Hearings Board and the subsequent appeals of the Hearings Board's  
11 decisions to the courts have escalated costs and delays; and

12       WHEREAS, The efforts of any group assigned the task of developing  
13 additional or different state policies and procedures need independent,  
14 unbiased, and nonpartisan analysis and explanation of the current hard-  
15 to-interpret statutes; and

16       WHEREAS, The analysis and the explanation in the water resource law  
17 report as outlined in this concurrent resolution will put the  
18 legislators and other interested parties in the best possible position  
19 to proceed in clarifying the complex Water Resource Statutes and Rules;  
20 and

1       WHEREAS, The appropriate standing committees of the Senate and the  
2 House of Representatives need to prepare proposed legislation to  
3 clarify the Water Resource Statutes, using independent expert's  
4 analysis for guidance; and

5       WHEREAS, The proposed legislation will be considered for adoption  
6 by the 1998 legislature and for the use of official groups assigned to  
7 study water resource policy;

8       NOW, THEREFORE, BE IT RESOLVED, By the Senate of the state of  
9 Washington, the House of Representatives concurring, That the  
10 legislature directs the Agriculture and Environment Committee of the  
11 Senate and the Agriculture and Ecology Committee of the House of  
12 Representatives to adopt the process as outlined in this concurrent  
13 resolution. It is the intent of the legislature that the standing  
14 committees prepare proposed legislation to be considered for adoption  
15 by the legislature that will clarify water resource statutory language.  
16 This process is not intended to change state policy. The project will  
17 commence by the chairs of the two committees recommending to the  
18 appropriate legislative employment committee the employment of two  
19 professional experts, one being an independent attorney, and the other  
20 a consultant, who both have extensive experience in water law and its  
21 implementation. The two chairs shall submit a list of at least five  
22 names of persons who are to be considered by the legislative employment  
23 committees. The legislative employment committees shall hire persons  
24 recommended by the chairs. A person who has been a member of the  
25 legislature in the last five years may not be employed as an expert.  
26 The experts will (1) conduct a thorough analysis of the pertinent RCW's  
27 and WAC's concerning potential interpretations and application of the  
28 water resource law and (2) explain, in their report, how various  
29 interpretations relate to current RCW language and WAC rules and the  
30 implementation of the statutes and rules; and

31       BE IT FURTHER RESOLVED, That the following schedule and actions  
32 apply:

33       (1) By April 1, 1997, the chairs will hire the two experts.

34       (2) By June 1, 1997, the experts will complete a draft of the water  
35 resource law report, which includes the analysis and explanation.

36       (3) By June 15, 1997, the Department of Ecology will respond to the  
37 draft report.

38       (4) By August 1, 1997, the experts will report to the two full  
39 standing committees for comment.

1 (5) By September 1, 1997, the experts will submit their final  
2 report to the committee members.

3 (6) By October 1, 1997, the standing committees will distribute the  
4 report and hold public hearings.

5 (7) By October 15, 1997, the committees will take final action on  
6 the report.

7 (8) By December 15, 1997, the standing committees will consider and  
8 shall present statutory clarifying amendments consistent with the  
9 intent of this concurrent resolution for presentation to the 1998  
10 legislative session or for the use of any official body working on  
11 water resource law and policy.

12 A sum of no more than \$48,900 of general fund moneys may be used.  
13 The Secretary of the Senate and the Chief Clerk of the House of  
14 Representatives may spend funds appropriated for the 1995-1997 biennium  
15 for the purposes of this concurrent resolution if authorized by the  
16 Facilities and Operations Committee of the Senate and the House of  
17 Representatives Employment Committee. Continued funding for this  
18 resolution may be provided in the 1997-1999 biennial budget.

19 If the specific funding for the purposes of this concurrent  
20 resolution to prepare the water resource law report, is not provided  
21 the report required under this concurrent resolution is null and void.

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