

ANALYSIS OF SSCR 8408

*House Agriculture & Ecology Committee
1997*

April 3,

BACKGROUND:

Joint Select Committee (1988 - 1993). 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. While the service was collecting this information and the Legislature was considering its recommendations, the Department of Ecology was prohibited from setting instream flows or reservations of water for future use and, with the exception certain emergency water permits, was prohibited from issuing any but temporary water use permits. (Chapter 47, Laws of 1988.) This restriction expired June 30, 1989. (Section 2(7), Chapter 47, Laws of 1988.) The Joint Select Committee was originally scheduled to be terminated on June 30, 1991, but its termination was extended until June 30, 1993. (Section 3(7), Chapter 47, Laws 1988 and Section 1(6), Chapter 273, Laws of 1991.)

SUMMARY:

The Agriculture and Environment Committee of the Senate and the Agriculture and Ecology Committee of the House of Representatives are directed to prepare proposed legislation to be considered for adoption by the Legislature that will clarify water resource statutory language. This process is not intended to change state policy. The chairs of the two committees will recommend to the appropriate legislative employment committees the employment of two professional experts, one being an independent attorney, and the other a consultant, who both have extensive experience in water law and its implementation. The two chairs will submit a list of at least five names of persons who are to be considered by the legislative employment committees. The legislative employment committees shall hire persons recommended by the chairs. A person who has been a member of the legislature in the last five years may not be employed as an expert. The experts will (1) conduct a thorough analysis of the pertinent state statutes and administrative rules concerning potential interpretations and application of the water resource law and (2) explain, in their report, how various interpretations relate to current statutes and rules and the implementation of the statutes and rules.

- *By April 1, 1997, the chairs will hire the two experts.*

- *By June 1, 1997, the experts will complete a draft of the water resource law report, which includes the analysis and explanation.*
- *By June 15, 1997, the Department of Ecology will respond to the draft report.*
- *By August 1, 1997, the experts will report to the two full standing committees for comment.*
- *By September 1, 1997, the experts will submit their final report to the committee members.*
- *By October 1, 1997, the standing committees will distribute the report and hold public hearings.*
- *By October 15, 1997, the committees will take final action on the report.*
- *By December 15, 1997, the standing committees will consider and shall present statutory clarifying amendments for presentation to the 1998 legislative session or for the use of any official body working on water resource law and policy.*

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

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