

SENATE BILL REPORT

SB 6336

As Reported By Senate Committee On:
Ecology & Parks, February 2, 1996
Ways & Means, February 6, 1996

Title: An act relating to the water resources board.

Brief Description: Establishing the water resources board.

Sponsors: Senators Rasmussen, Winsley, Haugen, Swecker, Morton and Sutherland.

Brief History:

Committee Activity: Ecology & Parks: 1/23/96, 1/26/96, 2/2/96 [DPS-WM].
Ways & Means: 2/6/96 [DP2S].

SENATE COMMITTEE ON ECOLOGY & PARKS

Majority Report: That Substitute Senate Bill No. 6336 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Fraser, Chair; Fairley, Vice Chair; Hochstatter, McAuliffe, Spanel and Swecker.

Staff: Gary Wilburn (786-7453)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: That Second Substitute Senate Bill No. 6336 be substituted therefor, and the second substitute bill do pass.

Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Cantu, Drew, Finkbeiner, Fraser, Hargrove, Hochstatter, Johnson, Kohl, Long, McDonald, Moyer, Pelz, Quigley, Sheldon, Snyder, Spanel, Strannigan, Sutherland, West, Winsley and Wojahn.

Staff: Cathy Baker (786-7708)

Background: Washington's water resources laws are primarily administered by the Department of Ecology. That agency issues permits for ground and surface water withdrawals, and administers the state's seniority system of water rights in times of water shortage. Procedures for permit processing are specified in state statutes as well as agency rules, and other rules have been adopted to carry out statutory directives, such as the protection of instream flows. However, many agency policies and practices have not been adopted by rule.

Other agencies play a significant but lesser role in water resource management. The state Department of Health regulates public water systems to ensure that adequate, potable water is provided by the more than 14,000 systems in the state. The Department of Community,

Trade, and Economic Development oversees local government implementation of the Growth Management Act, and the Department of Natural Resources manages state uplands and aquatic lands that impact the water resources of many basins.

Currently, state policies on water resource issues are coordinated through a variety of interagency processes and subject to direction from the Governor's office. Agency rules to implement water resource policies are subject to judicial review under the state's Administrative Procedure Act (APA), and to review by the Joint Administrative Rules Review Committee.

Summary of Second Substitute Bill: Legislative findings are made that recognize the need for balanced administration of state water resources and water quality, and that regional differences require greater consideration in the development and administration of water policies. The Washington Water Resources Board is created. The board has five members appointed by the Governor, comprising two members residing east of the Cascade mountains crest, two residing to the west, and one representing the state at large. Members are to have water-related expertise and demonstrated the ability to work constructively in group settings and understand scientific information. Members serve staggered four-year terms.

The board is charged with the following duties relating to water resources policies and programs: (1) to recommend statewide water resource policies, with initial consideration being given to procedures for regional water resource planning, procedures and standards for establishing in-stream flow levels, hydraulic continuity, augmentation of water supplies, aquifer management, and water transfers; (2) to review agency proposed rules affecting water resource or water quality issues, and to comment upon proposed rules regarding conflicts with state law, other rules, or the board's recommended policies; (3) to review the proposed budgets for water resource-related activities of the departments of Ecology and Health and to provide comments to the agencies and the Office of Financial Management; (4) to advise the Legislature and Governor on water resource policy issues; (5) to provide a forum for public discussion of water policy, including at least two public meetings per year in various areas of the state for this purpose.

The departments of Ecology and Health staff the board, and the board's expenses are separately identified in the two departments' budgets. The board and the legislation is sunsetted in the year 2003.

Second Substitute Bill Compared to Substitute Bill: An appropriation of \$350,000 is removed.

Substitute Compared to Original Bill: The board is to recommend rather than establish statewide water resource and water quality policies. The rulemaking authority of the board is deleted. The prohibition in the original bill upon state officers or employees serving on the board is deleted. The board may comment upon state agency rules, but the authority to prevent rule adoption or repeal rules of the departments of Ecology and Health is deleted in the substitute. The board's duties regarding advising the Legislature and Governor and providing forums for public discussion of water policy issues is added in the substitute.

Appropriation: None.

Fiscal Note: Available on original bill.

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

Testimony For (Ecology & Parks): There has been a policy "gridlock" regarding water resource policy at the state level for several years, and a new entity with regional representation is needed to make the difficult decisions regarding state water policy.

Testimony Against (Ecology & Parks): Rather than a new state-level entity to develop state water policies, adequate funding of existing programs is needed.

Testified (Ecology & Parks): Bruce Wishart, Sierra Club (con); Ron Shultz, National Audubon Society (con); Joe LaTourrette, Rivas Council of WA (pro); Judy Turpin, WA Environmental Council (con).

Testimony For (Ways & Means): None.

Testimony Against (Ways & Means): None.

Testified (Ways & Means): No one.