

Multiple Agency Fiscal Note Summary

Bill Number: 5828 S SB	Title: Water rights commissioners
-------------------------------	--

Estimated Cash Receipts

NONE

Agency Name	2023-25		2025-27		2027-29	
	GF- State	Total	GF- State	Total	GF- State	Total
Local Gov. Courts	No fiscal impact					
Loc School dist-SPI						
Local Gov. Other	No fiscal impact					
Local Gov. Total						

Estimated Operating Expenditures

Agency Name	2023-25				2025-27				2027-29			
	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total
Administrative Office of the Courts	.0	0	0	0	.0	0	0	0	.0	0	0	0
Department of Ecology	.0	0	0	0	.0	0	0	0	.0	0	0	0
Total \$	0.0	0	0	0	0.0	0	0	0	0.0	0	0	0

Agency Name	2023-25			2025-27			2027-29		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Local Gov. Courts	No fiscal impact								
Loc School dist-SPI									
Local Gov. Other	No fiscal impact								
Local Gov. Total									

Estimated Capital Budget Expenditures

Agency Name	2023-25			2025-27			2027-29		
	FTEs	Bonds	Total	FTEs	Bonds	Total	FTEs	Bonds	Total
Administrative Office of the Courts	.0	0	0	.0	0	0	.0	0	0
Department of Ecology	.0	0	0	.0	0	0	.0	0	0
Total \$	0.0	0	0	0.0	0	0	0.0	0	0

Agency Name	2023-25			2025-27			2027-29		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Local Gov. Courts	No fiscal impact								
Loc School dist-SPI									
Local Gov. Other	No fiscal impact								
Local Gov. Total									

Estimated Capital Budget Breakout

Prepared by: Gaius Horton, OFM	Phone: (360) 819-3112	Date Published: Final 1/31/2024
---------------------------------------	---------------------------------	---

Judicial Impact Fiscal Note

Bill Number: 5828 S SB	Title: Water rights commissioners	Agency: 055-Administrative Office of the Courts
-------------------------------	--	--

Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Expenditures from:

NONE

Estimated Capital Budget Impact:

NONE

The revenue and expenditure estimates on this page represent the most likely fiscal impact. Responsibility for expenditures may be subject to the provisions of RCW 43.135.060.

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note for Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.

Legislative Contact: Tianyi Lan	Phone: 360-786-7432	Date: 01/26/2024
Agency Preparation: Angie Wirkkala	Phone: 360-704-5528	Date: 01/29/2024
Agency Approval: Chris Stanley	Phone: 360-357-2406	Date: 01/29/2024
OFM Review: Gaius Horton	Phone: (360) 819-3112	Date: 01/30/2024

192,452.00

Request # 153-1

Part II: Narrative Explanation

II. A - Brief Description Of What The Measure Does That Has Fiscal Impact on the Courts

The substitute would have the same, no fiscal impact to the Administrative Office of the Courts or the courts. The changes do not affect the analysis of the original note.

The bill would add a section to the water code (Chapter 90.03 RCW) allowing the superior court to assign one or more attorney to act as a water commissioner. Process and duties of the water commissioner are highlighted within the legislation which include the ability to hold evidentiary hearings and contested and issue decisions on fact and legal issues.

II. B - Cash Receipts Impact

None

II. C - Expenditures

The bill would have no fiscal impact to the Administrative Office of the Courts. It is permissive allowing the superior court in each county to appoint water commissioners. It only has impact on superior courts if a county appoints a commissioner.

As this bill relates to the current water adjudication in Whatcom County, there is no fiscal impact. The Administrative Office of the Courts was appropriated funding in the 2023-25 biennial budget to pass through to Whatcom County to fund a water commissioner.

Part III: Expenditure Detail

III. A - Expenditure By Object or Purpose (State)

NONE

III. B - Expenditure By Object or Purpose (County)

NONE

III. C - Expenditure By Object or Purpose (City)

NONE

III. D - FTE Detail

NONE

III. E - Expenditures By Program (optional)

NONE

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

IV. B1 - Expenditures by Object Or Purpose (State)

NONE

IV. B2 - Expenditures by Object Or Purpose (County)

NONE

IV. B3 - Expenditures by Object Or Purpose (City)

NONE

192,452.00

Form FN (Rev 1/00)

IV. C - Capital Budget Breakout

Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.

NONE

None

Individual State Agency Fiscal Note

Bill Number: 5828 S SB	Title: Water rights commissioners	Agency: 461-Department of Ecology
-------------------------------	--	--

Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Operating Expenditures from:

NONE

Estimated Capital Budget Impact:

NONE

The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact: Tianyi Lan	Phone: 360-786-7432	Date: 01/26/2024
Agency Preparation: Jim Skalski	Phone: 360-584-3805	Date: 01/26/2024
Agency Approval: Erik Fairchild	Phone: 360-407-7005	Date: 01/26/2024
OFM Review: Lisa Borkowski	Phone: (360) 742-2239	Date: 01/30/2024

Part II: Narrative Explanation

II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.

SSB 5828 amends SB 5828 by removing the previous Section 3 that would have amended RCW 4.48.020 to authorize referral of trial to a water rights adjudication referee without consent of parties. This change does not have any fiscal impact to Ecology.

Under current law, Ecology is authorized to file and/or participate in a water right adjudication under the laws of Chapter 90.03 RCW. A water right adjudication is the legal process to resolve conflict and competition on a water source. Adjudication is conducted in a county Superior Court and legally determines whether each water right on a source is legal, how much water can be used, and its priority during shortages. A watershed-wide adjudication evaluates each individual water right, including federal, Tribal, and instream flow rights, under Washington water law's first-in-time, first-in-right prior appropriation framework.

Section 1 of this bill would add a new section to chapter 90.03 RCW authorizing county superior courts to appoint attorneys as water commissioners to conduct court business.

Section 2 would add a new section to chapter 90.03 RCW authorizing water commissioners to perform tasks relating to water rights adjudication on behalf of the county superior court.

Section 3 would amend RCW 90.03.160 to state that consent of parties is not required for a court-appointed referee to hear water rights adjudication matters.

There is no fiscal impact to Ecology under this bill. The bill would create additional tools that a county Superior Court may use to conduct an adjudication proceeding. There is no change to how Ecology would participate in an adjudication proceeding.

II. B - Cash receipts Impact

Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.

II. C - Expenditures

Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

NONE

III. B - Expenditures by Object Or Purpose

NONE

III. C - Operating FTE Detail: *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.*

NONE

III. D - Expenditures By Program (optional)

NONE

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

IV. B - Expenditures by Object Or Purpose

NONE

IV. C - Capital Budget Breakout

Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.

NONE

IV. D - Capital FTE Detail: *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

Part V: New Rule Making Required

Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.

LOCAL GOVERNMENT FISCAL NOTE

Department of Commerce

Bill Number: 5828 S SB

Title: Water rights commissioners

Part I: Jurisdiction-Location, type or status of political subdivision defines range of fiscal impacts.

Legislation Impacts:

- Cities:
- Counties: County superior court judges could appoint a water commissioner.
- Special Districts:
- Specific jurisdictions only:
- Variance occurs due to:

Part II: Estimates

- No fiscal impacts.
- Expenditures represent one-time costs:
- Legislation provides local option:
- Key variables cannot be estimated with certainty at this time:

Estimated revenue impacts to:

None

Estimated expenditure impacts to:

None

Part III: Preparation and Approval

Fiscal Note Analyst: Jordan Laramie	Phone: 360-725-5044	Date: 01/31/2024
Leg. Committee Contact: Tianyi Lan	Phone: 360-786-7432	Date: 01/26/2024
Agency Approval: Allan Johnson	Phone: 360-725-5033	Date: 01/31/2024
OFM Review: Gaius Horton	Phone: (360) 819-3112	Date: 01/31/2024

Part IV: Analysis

A. SUMMARY OF BILL

Description of the bill with an emphasis on how it impacts local government.

This fiscal note reflects language found in S SB 5828 2024 Session. The changes made to this substitute bill would keep the financial effect on local governments the same as the original bill, which is to have no financial impact.

CHANGES BETWEEN THIS VERSION AND PREVIOUS BILL VERSION:

Removes Section 3 from the prior bill. This section related to a water commissioner being appointed as a referee in water rights proceedings.

SUMMARY OF CURRENT BILL:

This legislation would amend the state's water code and authorize county superior courts judges to appoint a water commissioner.

The water commissioner's responsibility would be to assist the superior court with their expertise in water rights. The commissioner would have several official capacities including: the ability to hold evidentiary hearings, issue decisions on factual and legal issues, enter default judgements, settlement agreements, and conditional final orders, among other such duties.

This bill would go into effect 90 days after the adjournment of the session in which it is passed.

B. SUMMARY OF EXPENDITURE IMPACTS

Expenditure impacts of the legislation on local governments with the expenditure provisions identified by section number and when appropriate, the detail of expenditures. Delineated between city, county and special district impacts.

CHANGES IN EXPENDITURE IMPACT BETWEEN THIS VERSION AND PREVIOUS BILL VERSION:

Amendments to this bill do not change the local government expenditure impact of the prior bill.

EXPENDITURE IMPACT OF CURRENT BILL VERSION:

This proposed legislation would have no impact on local government expenditures.

Court impacts, including judicial costs, clerk costs, and court fees are described in fiscal notes prepared by the Administrative Office of the Courts (AOC). Please see the AOC fiscal note for a discussion for courts impacts.

C. SUMMARY OF REVENUE IMPACTS

Revenue impacts of the legislation on local governments, with the revenue provisions identified by section number, and when appropriate, the detail of revenue sources. Delineated between city, county and special district impacts.

CHANGES IN REVENUE IMPACT BETWEEN THIS VERSION AND PREVIOUS BILL VERSION:

Amendments to this bill do not change the local government revenue impact of the prior bill.

REVENUE IMPACT OF CURRENT BILL VERSION:

The proposed legislation would have no impact on local government revenues.

SOURCES:

Administrative Office of the Courts, FN SB 5828 (2024)
Municipal Research and Services Center, Water Rights