



LegisLetter

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Activities of the Legislature affecting farmers and ranchers in Washington state

January 30, 2009

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2009 Legislative Days Next Week!

Washington Farm Bureau Legislative Days are Feb. 4-5 at the Red Lion Hotel in Olympia. Activities are also scheduled at the Legislative Building on the Capitol campus and at the WFB Professional Office Building in Lacey.

A [registration form](#) is available for download (send via e-mail & fax TODAY). You may also view the general [agenda](#).

Please contact the Red Lion Hotel at (360) 943-4000 for room reservations. Single rooms are \$98 plus tax. The hotel has released our rooms & cannot guarantee room availability; however please try.

Don't forget we will have the dessert auction at lunch on Feb. 4. Please contact [Shannon Garland](#) if you are bringing a dessert! Thank you.

ACTION ALERT

FB Healthcare, Other Association Health Plans under Fire

House Health Care & Wellness Committee Chair Rep. Eileen Cody (D-Seattle), along with committee members Reps. Dawn Morrell (D-Puyallup), Tami Green (D-Lakewood), and Jim Moeller (D-Vancouver) have introduced two bills, [HB 1712](#) and [1714](#), which would strip Association Health Plans (AHPs) of the flexibility they need to remain competitive.

More than 500,000 people statewide are covered by AHPs, including those in our own *FB Healthcare* program. The bills would force them into either the large group or small group health insurance pool, jeopardizing affordability and doing nothing to solve problems in other segments of the health insurance market.

A recent study commissioned by the Legislature showed that association health plans are on average 11% less expensive than standard plans in the small group market.

At a time when many employers are struggling just to keep their doors open, higher insurance rates will force more employers to cancel coverage for themselves and their employees.

ACTION ITEM: Please contact House Health Care & Wellness Committee members to ask that they oppose HB 1712 and 1714. Call the legislative hotline at (800) 562-6000 or contact committee members directly at:

Cody, Eileen (D-Seattle), Chair	(360) 786-7978
Driscoll, John (D-Spokane), Vice Chair	(360) 786-7962
Bailey, Barbara (R-Oak Harbor)	(360) 786-7914
Campbell, Tom (R-Spanaway)	(360) 786-7912
Clibborn, Judy (D-Mercer Island)	(360) 786-7926
Ericksen, Doug (R-Bellingham)	(360) 786-7980
Green, Tami (D-Lakewood)	(360) 786-7958
Hinkle, Bill (R-Cle Elum)	(360) 786-7808
Kelley, Troy (D-Tacoma)	(360) 786-7890
Moeller, Jim (D-Vancouver)	(360) 786-7872
Morrell, Dawn (D-Puyallup)	(360) 786-7968
Pedersen, Jamie (D-Seattle)	(360) 786-7826

Water Week on the Hill

The week of January 26th was dubbed "water week" in the House, as the House Agriculture and Natural Resources Committee heard a host of water bills. The bills addressed issues ranging from water banking to relinquishment reform to stock water.

On the 27th the committee heard: [HB 1494](#) - Improving the effectiveness of water bank and exchange provisions, and [HB 1482](#) - Concerning reclaimed water permitting.

On the 29th the committee heard: [HB 1266](#) - Regarding sufficient cause for the nonuse of water, [HB 1267](#) - Clarifying that the legislature intends that RCW 90.14.140 be liberally construed, [HB 1268](#) - Concerning the relinquishment of a water right, [HB 1269](#) - Defining "crop rotation" for the purposes of RCW 90.14.140(1)(k), [HB 1091](#) - Regarding the withdrawal of public groundwaters for stock-watering purposes, [HB 1334](#) - Concerning water resource management on the Columbia and Snake Rivers, [HB 1489](#) - Regarding water resource management, [HB 1509](#) - Defining the term "stock watering" for the purposes of chapter 90.44 RCW, [HB 1534](#) - Concerning local utility district response to well notification.

On the 30th the committee rounded out water week by hearing: [HB 1580](#) - Establishing a pilot local water management program in one qualified jurisdiction, and [HB 1571](#) - Regarding the adjudication of water rights.

The issues can be summed up fairly succinctly. The two agency request bills (HB 1494 and HB 1571) have been met with skepticism by water users because the need for them is hard to demonstrate. The bills seem to be solutions in search of a problem. We are analyzing them for merit and will work with legislators to find language that will make meaningful improvements under the water code to facilitate water banking and to streamline water right adjudications, but it will take time to assess if now is the time for such change and if these vehicles can be salvaged.

The relinquishment bills heard covered all of the concepts we have considered over the years from elimination of partial relinquishment to defining crop rotation to include longer term crop patterns. Water users (including Washington Farm Bureau) argued that relinquishment is an impediment to efficient use of water. Modifying or eliminating the policy would encourage efficiencies that would benefit all users. Right now relinquishment strikes fear in the hearts of water right holders who might otherwise consider selling their water to help others meet their needs. Opposition to modifying relinquishment centered on the concern that water right holders would waste their water and hoard it if they did not have pressure to use-it-or-lose-it.

The last item that was hotly debated is the issue of limiting stock watering under the exempt well provision. Two bills (HB 1091 and 1489) would cap the withdrawal and a third (HB 1509) would provide a definition of "stock watering purposes." Farm Bureau and other stakeholders are working with legislators and Ecology to try to address concerns about the unlimited withdrawal of water for stock.

It looks like legislators are beginning to see the need for some reform to the water code, especially as it relates to relinquishment. As these issues get more review by legislators, we will see which, if any of them, move out of committee. Signals at this point are that a pilot project for the Walla Walla watershed (HB 1580) may well see action, but the fate of the rest is unclear.

Special Interest Bills Threaten State Business Climate

Labor unions and trial lawyers are exerting their big political muscle, and if their priority bills pass, the result could be a stifling business environment and a state that is mired in recession for many years to come. Here is a report on the bills we are following:

- [HB 1402](#) Ex Parte Contact bill (Williams D-Olympia)/[SB 5627](#) (McDermott D-Seattle)

A hearing was held on this bill during which the business community affirmed that there is no way to fix it – it must be killed.

HB 1402 concerns access to medical providers in workers' compensation cases. Once a trial lawyer had filed an appeal in a workers' comp case, businesses would be prohibited from contacting the doctor – only the lawyer could access the doctor. The system is already hopelessly tilted in favor of the trial lawyers. Here is how: when a worker suffers an on the job injury, the worker can choose any treatment provider from a long list of choices including doctors, chiropractors, licensed nurse practitioners, etc. Many of these are closely aligned with attorneys, and when the worker selects an attorney, the attorney directs the injured worker to switch to a "friendly" treatment provider. Under current law, an employer can request information from the treatment provider at any time. But trial lawyers want to cut that out – they seek to isolate employers and anyone who is working with the employer, so that employers cannot get information about the claim.

This bill is terrible policy. If it passes, it will be because small business owners did not contact their legislators, but instead allowed trial lawyers, who donate excessive amounts of money, to hijack our state.

- [HB 1814 Farm Labor Contractors \(Kenney D- Seattle\)](#)

It is telling of this bill that no agricultural employer or associations were consulted in its drafting. The bill attempts to deny farmers access to contractors who help provide a legal and stable workforce for our state's labor intensive agricultural community.

Several years ago, the legislature hired two new farm labor contractor inspectors, and the inspectors have not fined any contractors or documented any abuses. Meanwhile, associations like Farm Bureau are working diligently with L&I and farmers to monitor the activities of labor contractors. There is no need for this bill.

Climate Change Bills Heating up Olympia

The Governor's "Cap and Trade" bill ([SB 5687](#) and [HB 1490](#)) was introduced in both the House and Senate this week. Hearings are scheduled for next week (Tuesday, February 3). The business community is opposed to the measure because it would be costly to implement both administratively and due to the costs on individuals and businesses. We encourage legislators to spend our state's scarce resources on helping protect our citizens from the very real impacts of natural climate variability by helping to secure water storage facilities and flood damage reduction projects. Watch for more information on these bills next week.

Economic Stimulus Farm Bureau Proposes Rewarding Job Retention

The Governor has proposed an economic stimulus package that would pay more to workers who are unemployed, but Farm Bureau believes it is better to reward workers who are able to find a job, and employers who don't lay anyone off. The Farm Bureau is therefore proposing a 50% reduction in UI premiums for any employer who had no net loss of jobs, or no UI claims, in the second or third quarter. Here is how it would work. If the business did not have a UI claim or lay anyone off in the quarters ending June 30 and September 30, that business would not pay any UI taxes in the third quarter.

An agricultural employer in the highest tax bracket with a \$1 million payroll would save more than \$14,000 – a real incentive. And the maximum cost to the system – **if no employer laid anyone off for six months** – would be three months worth of UI premiums. Our state would still have almost double the reserves required to weather the worst recession on record, and would actually save money due to reduced UI benefit payments.

Bi-Partisan Essential Worker Pilot Bill Filed

[HB 1896](#), The Essential Worker Pilot Bill (Chandler R –Zillah) will be introduced in the House on Monday, and a Senate counterpart sponsored by Sen. Linda Evans Parlette (R- Wenatchee) will be filed in the Senate early next week.

Employers are desperately seeking a legal workforce. The Washington essential worker program would **make our state a leading advocate for comprehensive immigration reform**. It would direct our state to work with the federal government in this regard, and would:

- Allow employers with the need for seasonal, peak need, or project related workers to request assistance from the state in hiring legal workers;
- Direct the state to request appropriate waivers from the federal government and negotiate directly with other countries to provide these workers;

- Provide a preference for the local workforce for jobs requested in the program; and,
- Provide workers designated as “essential workers” with training programs such as English language classes.

Rep. Larry Springer (D- Kirkland), one of the bill sponsors, was surprised to learn that a nursery and organic herb farm in his district are using the H-2A federal guest worker program to access legal workers. Bill Sponsor Rep. Bruce Chandler acknowledged that this sensible legislation faces an uphill battle, because labor unions are blindly opposed to any bill that would allow employers to access legal workers through guest worker programs.

Bills of Interest

The bill tracking list will be available now on our website. It will be updated several times a week. Please check the date for the most current version.

<http://www.wsfb.com/issues/legisletter>

Information Resources

Washington Farm Bureau: www.wsfb.com Governor's Bill Actions: www.governor.wa.gov
Legislative Information: www.leg.wa.gov Legislative Hotline: (800) 562-6000