



WASHINGTON FARM BUREAU
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LegisLetter

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Activities of the Legislature affecting farmers and ranchers in Washington state

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Water Right Fee Bill Passes Out of Committee

On Friday, the House Agriculture Committee voted to send [PSHB 2591](#), sponsored by Rep. Jeff Morris (D-Mount Vernon), on to the House Ways and Means committee. The bill would increase the fees charged for the processing of water right applications. Currently fees paid by water right applicants cover a small percentage of the cost of administering the program, with the rest provided by the state general fund. The proposed substitute bill raises the minimum fee for new water right applications from \$50 to \$2,000, while the maximum fee would remain \$25,000. Fees for changes and transfers would double. The fees are intended to cover the full cost of processing permit applications, while eliminating the current backlog of applications within four years. From then on processing time is envisioned to be 12 months.

A controversial element of the bill would require all **exempt well** owners to register their wells and pay a **registration fee**. Wells registered prior to July 1, 2010 would pay a fee of \$50 and those registered after that date would pay a fee of \$300.

WFB opposes the bill due to the extreme increases in fees without clear assurances that Ecology could truly process permits at the speed predicted in the bill.

Basin Closure Reviewed

Both the House Agriculture and Natural Resources Committee and the Senate Environment, Water, and Energy Committee heard measures aimed at addressing the closure of watersheds due to a perceived lack of water supply. Over the past several years, the Upper Kittitas has been in the news and the source of an intense debate between the county and state Department of Ecology. The issues being debated in that basin in particular made their way before the committees in the form of [SB 6536](#) sponsored by Sen. Janea Holmquist (R-Moses Lake); [HB 2542](#) sponsored by Rep. Bill Hinkle (R-Cle Elum) and [HB 2548](#) sponsored by Rep. Bruce Chandler (R-Zillah).

While the bills take varying approaches, the key concept is to try to make it harder to close a watershed basin to further appropriation unless Ecology has sufficient data indicating a lack of available water. The present standard for such action is the lack of data in a basin. WFB supports this approach because water management decisions must be based on good scientific information to avoid the risk of subjectivity. The economic impact of the closure in the Upper Kittitas was real, and avoiding such situations is critical.

Upcoming event:

Next Tuesday the Senate Environment, Water and Energy Committee is tentatively scheduled to hear [SB 6803](#), sponsored by Sen. Phil Rockefeller (D-Bainbridge Island). The bill title is "Concerning the withdrawal of groundwater for stock watering purposes." This appears to be the only potentially active stock water bill this session. The bill was just referred today (Friday) so WFB is assessing the bill's impact. More on this subject next week.

Eminent Domain Legislation Remains Stalled

Washington Farm Bureau has joined Attorney General Rob McKenna and others in calling for hearings on legislation to reform the state's eminent domain and community renewal laws. [HB 2523/SB 6199](#) would reform the community renewal law to limit blight designations and protect the interest of property owners. [HB 2425/SB 6200](#) would prevent eminent domain from being used for the purpose of economic development.

None of the four committee chairs with jurisdiction over these bills has scheduled a hearing. All four bills have bipartisan sponsorship and are a result of a two-year study by the Eminent Domain Task Force, which has representation from each of the four legislative caucuses.

The absence of hearings has boiled into partisan accusations; with House Republicans asserting that the House Local Government Committee Chair Geoff Simpson (D-Covington) has refused to schedule a hearing because Attorney General Rob McKenna might possibly run for

governor in 2012. The [Tri-City Herald](#) reported that Simpson responded by accusing the Republicans of being partisan.

Bill Again Threatens Agricultural Activities

In 2009, [HB 1653](#), sponsored by Rep. Geoff Simpson (D-Covington), was opposed by Washington Farm Bureau, the Association of Washington Business, Realtors, Grange, and other business and agricultural organizations because the Dept. of Ecology and Simpson refused to accept language protecting existing and allowable uses in shoreline jurisdictions.

In 2010, Rep. Sharon Nelson (D-Maury Island) introduced [HB 3005](#). Like [HB 1653](#), it was intended to provide some clarity on the relationship between the SMA and GMA. Like [1653](#), it would only make things worse.

Reportedly, [HB 3005](#) will not receive a hearing and an attempt will be made to bring [HB 1653](#) from the Rules Committee (where it remains from the 2009 legislative session) to the floor.

WFB has joined AWB and others in again seeking language that would protect agriculture and other existing and allowed uses from new regulations as a result of [HB 1653](#).

We are asking that the bill be held in Rules Committee until there is agreed-to language by the affected stakeholders.

As of this writing, our efforts have fallen on deaf ears at the Ecology and Commerce departments.

Despite more than two years of discussions at the Ruckelshaus Center, it seems that some are willing to toss away the potential for agreement on voluntary programs with regulatory backstops as a last resort.

Instead, they are trying to pass regulations through the Legislature that they could not uphold before the state Supreme Court.

Like last year, legislators express their unwillingness to upend potential agreement between stakeholders and their unwillingness to allow new regulation of agricultural and other existing and allowable activities in the areas governed by the SMA.

WFB would prefer that the parties meet to work out language on the bill and avoid having this matter boil over into a major controversy on the House floor, as it did in 2009.

Workers' Comp Reform: If Not Now, When?

There still is not a hearing on [HB 2950](#), the moderate, bipartisan workers' comp reform bill sponsored by House Speaker Pro Tem Jeff Morris (D-Mt. Vernon).

Rep. Steve Conway (D-Tacoma), chair of the House Commerce and Labor Committee, has stated that he will not hold a hearing on the bill because workers' comp reform is a complicated issue that cannot be resolved in a short session and because a hearing could be used to support privatization either by bill or initiative.

Both of these arguments can be clearly debunked: First, workers' comp reform has been a topic in Olympia for the past two decades. We don't need more time to consider options. Second, [HB 2950](#) is a set of reforms for the state fund that stand apart from any endeavor to privatize some or all of the system. In short, [HB 2950](#) and a privatization measure are separate topics that have nothing to do with each other.

In the Senate, Sen. Janea Holmquist (R-Moses Lake) introduced [SB 6638](#), the companion to [HB 2950](#). Of course, [SB 6638](#) will likely not receive a hearing either. Instead, Sen. Jeanne Kohl-Welles (D-Seattle), chair of the Senate Commerce, Labor, and Consumer Protection Committee, is offering a hearing to her bill, [SB 6775](#), which would establish a task force to study and report on workers' comp.

Farm Bureau opposes [SB 6775](#). Workers' comp premiums are set to increase again next year if nothing is done in the meantime to fix the system. Right now we need reform – not more talk.

On a related note, this week Rep. Bruce Chandler (R-Granger) and Sen. Jim Honeyford (R-Sunnyside) introduced two separate “three-way” bills, which would give employers a choice among state insurance, self insurance, or private insurance. The bills are [HB 3149](#) and [SB 6799](#), respectively.

Biofuels

Farm Bureau testified in support of an amended version [SB 6458](#), a biofuels bill sponsored by Sen. Kevin Ranker (D-San Juan Island). The state currently has a renewable fuel standard of 2 percent biodiesel by volume. The standard would increase to 5 percent if certain conditions are met.

[SB 6458](#) and a similar measure, [HB 2504](#) by Rep. Deb Eddy (D-Kirkland), would change some of those conditions so that the B-5 standard could be realized more quickly. Farm Bureau expressed concerns with language in the original bill that would have triggered B-5 if an adequate supply of biodiesel came from a four-state region. In order to protect Washington farmers, this trigger will likely change to one involving only in-state sources. Farm Bureau supports this in-state approach and therefore supports the substitute version of [HB 2504](#) and, if amended, [SB 6458](#).

The bill would also change the biodiesel requirements from a percentage of total diesel sold in the state to a percentage of each gallon sold. Farm Bureau policy is silent on which delivery system is preferable.

At the hearing, we also took a moment to remind legislators that the state should keep the commitments it has made to farmers and the biodiesel industry by guaranteeing to use B-20 fuel in ferries.

Notable Healthcare Legislation

As the legislative session continues in Olympia, we are now tracking state healthcare legislation along with federal reforms. With the expectation of federal reforms, there were not many reform bills sponsored early in the session. Due to the apparent slowdown in federal progress, however, though there is always the possibility of more reform bills being introduced.

One minor healthcare reform bill, [HB 3015](#), sponsored by Rep. Eileen Cody (D-West Seattle), was heard in the House Health Care Committee on Thursday. It would allow Washington's Insurance Commissioner to enter into a compact with their counterpart in another state to allow insurance companies to sell plans across state lines between their states. This bill is a step in the right direction but does not go nearly far enough to truly open up the insurance market across state lines.

Another bill of note is [HB 1714](#), also sponsored by Rep. Cody. This is a bill to study association health plans (AHPs). Farm Bureau has an AHP as a way to offer affordable insurance options to our members. The bill was voted out of committee last session, so is available to be pulled to the floor for a vote at any time. We are working with Rep. Cody to ensure that the study is conducted in a way that does not jeopardize the privacy of our AHP, and does not have a predetermined outcome.

Register Online! WFB Legislative Days Feb. 9-10, 2010

WFB's Legislative Days event is only a week and half away (February 9-10), so [register now!](#) Day one's activities will take place at the [Worthington Center](#) on the St. Martin University campus in Lacey. Speakers this year include Speaker of the House Frank Chopp; Representatives Steve Conway, David Taylor, and Susan Fagan; Justice Richard Sanders; and Evergreen Freedom Foundation President Bob Williams. Day two will be on the Capitol campus and at the WFB Professional Office Building in Lacey. [Register online now](#) or [download a registration form](#) (to complete and send via e-mail, fax, or mail). Registration cost is \$50 per person.

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

If you have any questions, please email [Daniel Turner](#) or call (360) 528-2908. Please plan to attend!

Last Opportunity to Register for D.C. Days!

This is the last opportunity for members to register for WFB's D.C. Days (registration deadline is February 1). Washington Farm Bureau members will meet the state's Congressional delegation and staff to discuss federal issues affecting agriculture as part of WFB's D.C. Days trip to the nation's capital, Feb. 22-24.

Participants should arrive in Washington, D.C. on Sunday, Feb. 21. The program will begin Monday morning with a group orientation and policy briefing at American Farm Bureau Federation headquarters. The program will end on Wednesday afternoon.

A block of hotel rooms has been reserved at the [Holiday Inn – Capitol](#) in Washington, D.C. The hotel is very close to the Capitol and is conveniently located across the street from American Farm Bureau Federation headquarters and the L'Enfant Plaza Metro stop. Special rates of \$208 per night for single occupancy and \$218 per night for double occupancy rooms (plus tax) are available. Reservations must be made by February 1.

Participants are responsible for making their own travel and hotel arrangements.

For more information, or to RSVP for D.C. Days 2010, email [Scott Dahlman](#) or call (800) 331-3276.

The trip also includes a foreign embassy visit, group dinner, and various tour opportunities.

Bills of Interest

The [bill tracking list](#) is available now on our website. It will be updated several times a week. WFB staff review daily summaries of House and Senate bill introductions and flag bills that might affect the operations or interests of Washington farmers and ranchers. Some bills are initially tracked with a position of “monitor” until they are fully reviewed for their impacts. There are more than 250 bills already on the tracking list for Washington Farm Bureau and more added daily.

If there is a bill of interest to you that does not appear on our tracking, please email [Daniel Turner](#) with a request that WFB staff review the bill.

Information Resources

- [Washington Farm Bureau](#)
- [Governor's Bill Actions:](#)
- [Legislative Information](#)
- Legislative Hotline: (800) 562-6000