



**WASHINGTON
FARM BUREAU**
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LegisLetter

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Activities of the Legislature affecting farmers and ranchers in Washington state

February 12, 2010

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Push Back Rally on Feb. 15

Washington Farm Bureau First Vice President Britt Dudek will be one of the speakers at the Push Back rally Feb. 15 at 10 am on the steps of the state Capitol. WFB members and others are encouraged to attend and to bring anyone who is concerned about the growth of taxes and spending and their impact on our state economy.

Dori Monson of KIRO Radio will be the featured speaker. Others include Dudek, NFIB State Director Patrick Connor and Kirby Wilbur, former KVI Radio host and current state director for Americans for Prosperity.

No elected officials or candidates are scheduled to speak at this non-partisan event.

Given the dustup on the bill to repeal reporting and limits on tax increases, the pace and atmosphere at the Capitol will be characterized by a lot of messaging about taxes and spending.

Make sure your voice is heard and be sure to attend.

The day will be filled with people showing up to send a message. Immediately following the Push Back rally, another group will gather to express their support for increased taxes and spending. **It is likely that the media will cover both events and make comparisons of the turnout.**

Push Back 2010 is a gathering of citizens on the Capitol Campus to protest tax and spending increases in 2010. By attending you can expect to hear from some inspiring speakers, unite with fellow Washingtonians from all across the state, and influence your legislators to consider their voting choices carefully during the legislative session. In addition to rallying on the campus, we will also be equipping and mobilizing attendees to go inside and speak with their district legislators with others from their community.

No preparation is necessary! Simply show up with your favorite “No New Taxes” sign.

More information may be found at www.pushbacknotax.com

Following the brief rally, participants will be asked to go find their legislators to personally deliver the message that more tax increases will be harmful to our state’s fragile economy and our families that already have carried a burden in these tough economic times.

Over 150 Members Travel to Olympia for Legislative Days

On Tuesday Farm Bureau members from across the state came to Olympia for the annual Legislative Days event. The day began with a presentation by Director of Agriculture Dan Newhouse, and ended with a banquet and reception for members and legislators. More than 30 legislators visited with members at the dinner, at which Reps. Joel Kretz (R-Wauconda) and Deb Wallace (D-Vancouver) were recognized as WFB 2009 Legislators of the Year. Throughout the day a wide variety of speakers addressed the group. Presenters included:

- Rep. Frank Chopp (D-Seattle), Speaker of the House of Representatives
- Rep. Steve Conway (D-Tacoma), Chairman of the House Commerce & Labor Committee
- Justice Richard Sanders, Washington State Supreme Court Justice
- Rep. David Taylor (R-Moxee) and Rep. Susan Fagan (R-Pullman)
- Bob Williams, Evergreen Freedom Foundation
- Jay Manning, Chief of Staff for Governor Gregoire (D)

Farm Bureau members then spent Wednesday meeting with their legislators on the important issues of this legislative session. Farm Bureau member presence at the Capitol is a great reminder to the legislators of the importance of agriculture and of what their constituents deal with every day.

Senate Works to Suspend I-960's Supermajority Requirements for Two Years. Twice.

On Tuesday morning, the Senate brought [SB 6843](#), sponsored by Sen. Margarita Prentice (D-Renton), to the floor for a vote. After hours of debate and more than twenty proposed amendments, the bill was voted out on a slim 26-23 roll call vote. Soon after this, Senate leadership realized it had made an error. While the majority intended to suspend all of the components of Initiative 960 for 2 years, the bill they voted out only applied to the two-third majority requirement for tax increases. Missing components included suspending the requirement of an advisory vote of the people for tax increases and inclusion in the voter's pamphlet of a list of the tax increases passed and the legislators who approved them.

Democratic leaders admitted that there was miscommunication with staff, which led to a vote on the wrong version of the bill. Under normal circumstances, the Senate probably would have asked the House to fix the bill before passing it. Unfortunately for them, this was not possible. The adopted amendment to [SB 6843](#) also amended the title, making the title so narrow that it would have been hard for the House to get the desired language in the bill. So on Wednesday, they did a "redo" with [SB 6130](#), also sponsored by Sen. Prentice. This time the Senate worked late into the night to pass [SB 6130](#) with the language suspending all of the requirements under I-960 for two years.

This story illustrates the complexity of lawmaking, and what can happen in a hurried process. More importantly though, it means that the legislature is likely on its way to raising taxes. The House Finance Committee will hear [SB 6130](#) on Saturday morning, probably moving it to the House floor for a Sunday vote. Happy Valentines Day!

Stock Water Bill Moves Out of Senate Committee

On the final day of policy committee action, the Senate Environment, Water and Energy Committee passed [SSB 6803](#), sponsored by Sen. Phil Rockefeller (D-Bainbridge Island) out of committee by just one vote. This week the Senate Ways and Means Committee ultimately moved the bill on to Rules with an equally slim majority vote.

As originally introduced, [SB 6803](#) would have set up a process to register stock watering uses that had been conducted under the statutory exemption for stock watering. Registration would be required for uses over 5.6 acre feet (5000 gpd). Additionally the bill set up a process to "prove up" those uses, and limit future stock water withdrawals without a permit to 5.6 acre feet.

As amended in committee the bill became a "dairy only" bill and established a 13.8 acre foot (just less than 13,000 gpd) threshold for registration. The future withdrawal limit is also set at the 13.8 acre feet. The bill would allow dairies who have historically used more than 13.8 acre feet to document that usage and register the same. Additional restrictions apply including metering and recordkeeping.

Virtually all testimony presented to both committees was against passage of the bill. Only one agricultural organization supported the bill in testimony before the Ways and Means Committee. WFB testified that the bill should not move for three simple reasons. First, it is imperative that we allow the current stock water lawsuit (*Five Corners v. Ecology*) to be decided before acting.

The bill as presently constructed would be certain to impact the ongoing litigation, which is examining whether or not the provisions of RCW 90.44.050 place a limit on water withdrawals for stock watering or not.

The second reason we are concerned by this bill is that it carves out one segment of the stock watering industry and establishes standards that will clearly impact other stock water users. We simply do not support measures that help some and potentially harm others. Water law is complex and needs to be approached very carefully to not imbalance the present system and definitely to avoid making currently legal users of water illegal.

WFB and many other stakeholders have been involved in a stock water working group. This group agreed that we needed to consider this issue more to determine the best possible course of action related to these issues. Therefore we urge legislators to reject [2SSB 6803](#) and keep working with stakeholders to find a solution that works for all parties, much like we achieved through the Columbia River Program created in 2006.

Minor Progress on Eminent Domain; Major Reform Again Ignored

Much-needed legislation protecting owners against eminent domain abuse has gone nowhere in the 2010 session.

Even though forty-three other states have protected property owners against government taking property and transferring it to private developers, Washington State has once again ignored the growing number of cases in which people have been threatened or harmed by this unscrupulous abuse of government power.

The cases have been documented by the Washington State office of the Institute for Justice, reported on by the Washington Policy Center and Evergreen Freedom Foundation, and included in the report from the Attorney General's Eminent Domain Task Force. The task force included legislators from both political parties, counties, cities, state agencies and the private sector.

While no hearings were scheduled on the bills recommended by the Eminent Domain Task Force, the Senate Ways & Committee held a hearing on [SB 6838](#), sponsored by Sen. Rosemary McAuliffe (D-Bothell), protecting ***state*** lands from eminent domain. The bill would have protected those lands from eminent domain actions by counties, cities, school districts, public corporations, municipal airport districts, mosquito control districts, metropolitan municipal corporations, joint operating agencies, port districts, public utility districts, water and sewer districts, diking and drainage districts, irrigation districts, flood control districts, reclamation districts, and private entities authorized to exercise eminent domain.

Sponsors and supporters argued that it is difficult to make management decisions when there is a possibility that another government agency might come and take the property through eminent domain.

It was almost a glimmer of hope that someone was beginning to understand....

Meanwhile, there might be hope of passing a law that is simple and fair: if the government does not use the land for the purpose for which it was taken, you have the right to buy it back.

[HB 2716](#), sponsored by Rep. Matt Shea (R-Spokane Valley), moved out of the House Rules Committee on Thursday and can now be considered by the full House.

The bill is limited to the Department of Transportation's non-use of previously taken properties. If the department does not use the property for the purpose taken, the previous owner would have 90 days from the point of notification to exercise the right of repurchase before the property is auctioned to the highest bidder.

Ruckelshaus Extension

Legislation is moving in the House and Senate to extend the "timeout" on Critical Area Ordinances regulating agricultural activities. The bills would also extend the discussions at the Ruckelshaus Center, a policy resolution center operated jointly by WSU and the UW.

Absent the extension, talks would fail and all counties and cities would be required to review and, if necessary, update their CAOs with respect to agricultural activities. The aim of the talks is to recommend policies to the legislature that would rely on voluntary incentive programs that use regulatory options as a last resort.

Washington Farm Bureau has committed tremendous staff time to the talks and believes that another year provides hope that agreement can be reached with counties, tribal interests, and environmental advocates.

[SSB 6520](#), sponsored by Sen. Brian Hatfield (D-Raymond), is now on the Senate floor calendar for a second reading. [SHB 2891](#), sponsored by Rep. Geoff Simpson (D-Covington), was passed out of the House Committee on Education Appropriations and is now in the Rules Committee, awaiting decision on eligibility to be placed on the floor calendar for a second reading.

SMA/GMA Legislation Nears Agreement

Protecting Agricultural Activities Must be Clear in Bill Language

Intense discussions continue on [HB 1653](#), sponsored by Rep. Geoff Simpson (D-Covington), which would address the interaction between the Shoreline Management Act and the Growth Management Act.

Discussions between the Association of Washington Business, realtors, Farm Bureau, environmentalists, counties and state agencies continue and are close to resolution.

All parties have said it is not their intention to interfere with the protections that agriculture has under the SMA. Farm Bureau has insisted on language in the bill to clarify that it will not harm agricultural activities.

It is possible that agreement will be reached by the time this email is delivered to you.

Absent clear language protecting existing agriculture, the bill will be as harmful to agriculture as it was last year when the House chose not to pass it.

Farm Bureau is optimistic that our concerns will be addressed and the bill can then be passed without those concerns.

GMA Extension Bill Moving in House

[HB 2992](#), sponsored by Rep. Geoff Simpson (D-Covington), was passed by the House Ways & Means Committee Tuesday and is in the Rules Committee waiting for the green light to continue to the floor. The bill extends the update deadlines by three years for each of the counties and cities in the state. For counties and cities with populations less than 50,000, there would be an option of an additional 3 years for updates. Washington Farm Bureau supports this legislation.

Unemployment Insurance Update

Several unemployment insurance bills are still alive and may be voted on during floor action in the House and Senate on or before next Tuesday's cutoff deadline.

These bills all include some kind of increase in UI benefits at a time when employers are already having to pay more money into the UI trust fund just to keep up with current benefit levels.

As such, Farm Bureau has concerns that these bills may directly or indirectly hamper employers' ability to create and sustain jobs. The bills are as follows:

- [HB 2553](#), sponsored by Rep. Steve Conway (D-Tacoma), is in the House Rules Committee. This bill would extend UI benefits to certain part-time employees, allowing them to look for either full-time or part-time work. (The usual standard is only full-time work.) The bill would also allow ESD the discretion to decide whether an employee who voluntarily left work due to an "unreasonable hardship" is eligible for UI benefits (aka, "voluntary quits").
- [SB 6334](#), sponsored by Sen. Jeanne Kohl-Welles (D-Seattle), deals only with the issue of voluntary quits and has similar pitfalls as [HB 2553](#).
- [SB 6526](#), sponsored by Sen. Jeanne Kohl-Welles, is ESD's narrowly tailored bill for part-time benefits. While not as broad as [HB 2553](#), the department estimates it would cost at least \$15 million from the UI trust fund annually.
- [HB 3129](#) (Rep. Conway) and [SB 6793](#) (Sen. Kohl-Welles) are title-only bills that may become the vehicles for some or all of these UI concepts.

Action Item: Let your legislators know that these increases in benefits – either by allowing more people to file for UI or by granting more money to beneficiaries – will cause the UI fund to shrink

more rapidly and may slow economic recovery because employers will need to replenish those funds.

If legislators insist on coupling together any smoothing of UI tax rates on employers (a good concept embodied in now-dead [HB 2920](#) and [SB 6587](#)) while also increasing benefits, they will likely cause UI funds to dip too low. This combination of ideas should be opposed.

Ag Signs Passes Senate

The Senate passed [SSB 6208](#), sponsored by Sen. Mary Margaret Haugen (D-Camano Island), to allow temporary agricultural directional signs along state highways. WFB supports this legislation. Following the 46-0 vote, the bill moved to the House.

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.

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