

SENATE BILL REPORT

SB 5096

AS REPORTED BY COMMITTEE ON WAYS & MEANS, MARCH 4, 1991

**Brief Description:** Requiring state laws and rules to be assessed to determine adverse impacts on agriculture.

**SPONSORS:** Senators Barr, Hansen, Anderson, Newhouse, Conner, Bailey, Matson, Patterson, Amondson, Sellar, Bauer, McMullen and L. Smith.

**SENATE COMMITTEE ON AGRICULTURE & WATER RESOURCES**

**Majority Report:** That Substitute Senate Bill No. 5096 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Barr, Chairman; Anderson, Vice Chairman; Bailey, Conner, Gaspard, Hansen, and Newhouse.

**Staff:** John Stuhlmiller (786-7446)

**Hearing Dates:** January 31, 1991; February 19, 1991

**SENATE COMMITTEE ON WAYS & MEANS**

**Majority Report:** That Second Substitute Senate Bill No. 5096 be substituted therefor, and the second substitute bill do pass.

Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bauer, Bluechel, Cantu, Johnson, Matson, Metcalf, Newhouse, Owen, Saling, L. Smith, West, Williams, and Wojahn.

**Staff:** Michael Groesch (786-7715)

**Hearing Dates:** February 28, 1991; March 4, 1991

**BACKGROUND:**

Mission Statement:

A number of agencies, including the Department of Wildlife, the Department of Fisheries and the Department of Trade and Economic Development, were given specific overall mission statements when they were formed, some of which have been amended over time. These mission statements or statements of purpose are designed to provide the basic framework within which the agency functions. Other agencies, such as the Department of Agriculture, lack an overall mission statement but instead administer a variety of individual regulatory and nonregulatory programs, each with its own purpose statement.

Agricultural Impact Assessment:

There is currently no formal process whereby the impact of proposed and current agency rules and policies may be examined as to their specific adverse affect on the agricultural community. The small business economic impact statement created under the Regulatory Fairness Act (Chapter 19.85 RCW) provides for a review of some of the rules that fall into this category, but the focus is on all industries and is only conducted if 20 percent of all industries will be impacted by proposed rules or if 10 percent of any one industry will be affected.

**SUMMARY:**

Mission Statement:

The mission of the Department of Agriculture is to seek to maintain the economic well-being of the agricultural industry and its dependent rural community in Washington.

Agricultural Impact Assessment:

The Department of Agriculture is directed to initiate and administer the agricultural impact assessment review program and to provide a report on the review program to the Legislature annually. Workshops to familiarize the affected agencies with the review process and its requirements are to be established by the department also.

At least 20 days before an agency holds a rule-making hearing, the agency shall determine if the proposed rules have a potential for adversely impacting agriculture. If a potential for adverse impact is found, the agency shall submit the rules to the Department of Agriculture for review under the agricultural impact assessment review process.

The Department of Agriculture shall review existing or proposed rules, directives, and enforcement practices for adverse impacts on agriculture. If an adverse impact is found, the department is directed to work with the agency to minimize or eliminate the adverse impact, taking into account a number of constitutional and related issues.

The department is further directed to conduct annual public hearings in western, central, and eastern Washington to determine additional review subjects.

**EFFECT OF PROPOSED SUBSTITUTE:**

Several technical changes are made to the intent section and language is added to make it clear that this bill only requires other agencies to consider the suggestions made by the Department of Agriculture in the review process.

The definition of agricultural activity is made the same as that of the agricultural nuisance statute; dependent rural community is defined as those businesses supporting

agricultural producers. The definition of farm is expanded to include freshwater aquacultural facilities.

The agricultural impact assessment done by the Department of Agriculture is to be an ongoing review of proposed rules, directives and enforcement practices. Agencies are directed to consider changes recommended by the Department of Agriculture.

The time frame for review is expanded to at least 45 days before an agency publishes the notice of a rules hearing. Also, agencies are to review proposed rules using the same guidelines prescribed for the Department of Agriculture.

**EFFECT OF PROPOSED SECOND SUBSTITUTE:**

Enactment of the bill is conditioned upon provision of funding in the budget.

**Appropriation:** none

**Revenue:** none

**Fiscal Note:** available

**TESTIMONY FOR:**

This is a grass roots bill which farmers need; growers want support from the Department of Agriculture in eliminating the controllable factors affecting agriculture in order to keep it viable in this state; this bill is directly related to the concerns raised during the passage of the many right to farm ordinances this past summer.

**TESTIMONY AGAINST:**

The bill has a significant fiscal impact over what Department of Agriculture estimated which would be passed on to public; the program is unnecessary; the state should not support pesticide drift; the large commodity groups in the state will be able to control the impact assessment program.

**TESTIFIED:** K.O. Rosenberg, Ferry, Pend Oreille and Stevens Counties (pro); Karl Kottman, Washington Council of Farmer Cooperatives (pro); Jerome Kaufman, Kittitas County Cattlemen (pro); Marlyta Deck, Washington Cattlemen's Association (pro); Mary Owens, Ellensburg Chamber of Commerce (pro); Steve Cant, Dept. of Labor and Industries (con); Ray Owens, Kittitas County Commissioner (pro); Andrew Erickson, self (pro); Karen Poulsen, Kittitas County Farm Bureau (pro); Margaret Hue (con); Bill Roberts, Washington State Farm Bureau (pro); Bruce Ellingson, Washington Association of Apple Growers (pro)