

SENATE BILL REPORT

SB 6556

As Reported by Senate Committee On:
Agriculture & Rural Economic Development, January 26, 2010

Title: An act relating to changing fees for certain types of agricultural burning.

Brief Description: Changing the fees for certain types of agricultural burning.

Sponsors: Senators Hatfield and Schoesler.

Brief History:

Committee Activity: Agriculture & Rural Economic Development: 1/25/10, 1/26/10
[DPS].

SENATE COMMITTEE ON AGRICULTURE & RURAL ECONOMIC DEVELOPMENT

Majority Report: That Substitute Senate Bill No. 6556 be substituted therefor, and the substitute bill do pass.

Signed by Senators Hatfield, Chair; Ranker, Vice Chair; Schoesler, Ranking Minority Member; Becker, Haugen, Morton and Shin.

Staff: Bob Lee (786-7404)

Background: The maximum permit fee for agricultural field burning is set at \$2.50 per acre. This statutory cap was established in 1991. The fee is established by rule adopted by the Department of Ecology (DOE) at the level determined by the agricultural burning practices and research task force.

The revenue from burning permit fees is deposited in the air pollution control account, except for that portion necessary to cover the local cost of administering the permit. The remainder of the money is used to fund the smoke management program which prevents burning during adverse meteorological conditions, and to fund research into alternatives for field burning.

Currently, the fee is \$2.25 and is used as follows: \$1.25 is retained by delegated permitting entities; 50 cents goes toward the smoke management program; and, 50 cents goes toward research.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

After fees are established by rule, any increase is limited to annual inflation adjustments as determined by the state office of the Economic and Revenue Forecast Council.

Burning of orchard pruning is exempt but burning of piles of orchard trees is not exempt from the permit process.

Summary of Bill (Recommended Substitute): The current statutory maximum permit fee for agricultural field burning of \$2.50 per acre is increased to \$3.75 per acre. Authority to charge a permit fee for pile burning is provided and is not to exceed \$1 per ton. Fees continue to be set by rule adopted by the DOE at the level determined by the agricultural burning practices and research task force.

After fees are established by rule, any increase is limited to annual inflation adjustments as determined by the state office of the Economic and Revenue Forecast Council.

EFFECT OF CHANGES MADE BY AGRICULTURE & RURAL ECONOMIC DEVELOPMENT COMMITTEE (Recommended Substitute): The provision that any increase in fees by rule is limited by the annual inflation rate is deleted. Thus, the task force can adjust the fee level as needed within the \$3.75 per acre statutory cap.

Appropriation: None.

Fiscal Note: Available.

[OFM requested ten-year cost projection pursuant to I-960]

Committee/Commission/Task Force Created: None.

Effective Date: Ninety days after adjournment of session in which the bill is passed.

Staff Summary of Public Testimony on Original Bill: PRO: The smoke management program administered by the DOE has been effective. The task force has been an effective forum and has brought together growers and clean air advocates. There hasn't been a statutory increase in fees since 1991. To continue adequate funding of the smoke management program, there is a need to increase the fees. An increase in fees is acceptable as long as the task force determines the fee level and then Ecology sets that fee in rule.

OTHER: General fund support for the smoke management program has been reduced so a fee increase is needed. The task force was proposed to be discontinued in other legislation submitted by the Governor.

Persons Testifying: PRO: Jim Jesernig, Washington Association of Wheat Growers and Washington Association of Conservation Districts.

OTHER: Marshall Taylor, DOE.