

SENATE BILL REPORT

SSB 6747

As Passed Senate, February 12, 2010

Title: An act relating to cost recovery for the natural heritage program.

Brief Description: Authorizing the department of natural resources to recover costs for data delivery services provided under the natural heritage program.

Sponsors: Senate Committee on Ways & Means (originally sponsored by Senators Jacobsen, Fraser, Ranker, Shin and Kline; by request of Commissioner of Public Lands).

Brief History:

Committee Activity: Natural Resources, Ocean & Recreation: 1/27/10, 2/01/10 [DP-WM, DNP].

Ways & Means: 2/05/10, 2/08/10 [DPS, DNP, w/oRec].

Passed Senate: 2/12/10, 32-15.

SENATE COMMITTEE ON NATURAL RESOURCES, OCEAN & RECREATION

Majority Report: Do pass and be referred to Committee on Ways & Means.

Signed by Senators Jacobsen, Chair; Ranker, Vice Chair; Fraser, Hargrove and Swecker.

Minority Report: Do not pass.

Signed by Senators Morton, Ranking Minority Member; Stevens.

Staff: Sherry McNamara (786-7402)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: That Substitute Senate Bill No. 6747 be substituted therefor, and the substitute bill do pass.

Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Fairley, Keiser, Kline, Kohl-Welles, McDermott, Murray, Oemig, Pridemore, Regala and Rockefeller.

Minority Report: Do not pass.

Signed by Senators Zarelli, Ranking Minority Member; Carrell, Hewitt, Honeyford and Schoesler.

Minority Report: That it be referred without recommendation.

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.

Signed by Senators Brandland, Parlette and Pflug.

Staff: Maria Hovde (786-7710)

Background: The Legislature established the Natural Heritage Program (Program) within the Department of Natural Resources in 1977. The Program is required to identify which species and ecosystems are priorities for conservation effort; build and maintain a database for priority species and ecosystems; and share the information with others so that it can be used for environmental assessments and conservation planning purposes.

Summary of Substitute Bill: In order to recover the service costs incurred for staff time and expenses, the Program must charge either a \$6,000 annual subscription fee or a \$100 access fee per request, plus a charge of \$75 per hour to process and respond to a data request. The annual subscription fee when paid by trade associations comprised of forest landowners applies to all members of the association. The fees are deposited into the Natural Resources Conservation Areas Stewardship Account.

The Program may waive the fees when a data request requires less than one hour of response time or when no data is provided. The Program may also adjust or modify the fees as necessary to recover the service costs.

Appropriation: None.

Fiscal Note: Available.

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

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony on Original Bill (Natural Resources, Ocean & Recreation): PRO: This agency request legislation is included in the Governor's Supplemental Operating budget request. The fees in the bill are a potential revenue source that will not cover all the costs of operating the program, but will help minimize the impacts of the budget cuts. The fees assessed in this bill need to go into the dedicated fund as proposed in the bill in order to ensure ongoing support for the program. This bill adds another fee that along with all the other fees being considered by the Legislature this session causes us concern. It is important that we look at other alternatives such as streamlining the program or working with other agencies and the federal government.

Persons Testifying (Natural Resources, Ocean & Recreation): PRO: Clay Sprague and Pene Speaks, DNR; Bill Robinson, The Nature Conservancy; OTHER: Debora Munguia, Washington Forest Protection Association.

Staff Summary of Public Testimony on Original Bill (Ways & Means): PRO: This bill is agency request legislation and was drafted in response to the Governor's supplemental budget proposal. This bill allows the Program to recover costs for delivery of data that is used to help set conservation priorities within the state, to make planning decisions, and to

help with green certification. This is the only database of its kind in the state and collecting user fees will help to operate the program.

OTHER: The language in the bill regarding the annual subscription fee needs to be modified to address those instances where an entity may only get data once or twice a year.

Persons Testifying (Ways & Means): PRO: Penny Speaks, Department of Natural Resources; Bill Robinson, The Nature Conservancy.

OTHER: John Ehrenreich, Washington Forest Protection Assn.