

SENATE BILL REPORT

SB 5766

As Reported by Senate Committee On:
Agriculture, Water & Rural Economic Development, February 21, 2013

Title: An act relating to improving relationships between agricultural producers and state regulatory staff.

Brief Description: Improving relationships between agricultural producers and state regulatory staff.

Sponsors: Senators Hobbs, Hatfield, Honeyford, Schoesler and Brown.

Brief History:

Committee Activity: Agriculture, Water & Rural Economic Development: 2/18/13, 2/21/13 [DPS].

SENATE COMMITTEE ON AGRICULTURE, WATER & RURAL ECONOMIC DEVELOPMENT

Majority Report: That Substitute Senate Bill No. 5766 be substituted therefor, and the substitute bill do pass.

Signed by Senators Hatfield, Chair; Honeyford, Ranking Member; Brown, Eide, Hobbs, Schoesler and Shin.

Staff: Bob Lee (786-7404)

Background: The State Conservation Commission (Commission) consists of ten members including the following:

- two members appointed by the Governor – one must be a landowner or operator of a farm;
- three elected members – at least two must be landowners or operators of a farm;
- a representative from the Department of Agriculture (WSDA);
- a representative from the Department of Ecology (DOE);
- a representative appointed by the Commissioner of Public Lands;
- the Dean of the College of Agriculture at Washington State University; and
- the president of the association representing conservation districts.

Additionally, the Commission may invite officers of cooperating organizations, state agencies, and federal agencies to serve as advisers.

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.

Summary of Bill (Recommended Substitute): The Commission must initiate a state forum that includes persons designated by the directors of state regulatory agencies and persons nominated by state and regional agricultural organizations to:

- design a process to be instituted at the county or regional level on a pilot project basis that provides an opportunity to begin a dialogue that improves communication and mutual understanding and cooperation;
- design a process for receiving and evaluating complaints to form the basis for possible changes to agency procedures;
- examine and propose revision of existing training provided and procedures followed by field enforcement staff of state regulatory agencies that interact with agricultural producers and examine cross training of state regulatory staff and conservation district technical staff;
- examine policy issues that create tensions between state regulatory agencies and agricultural organizations and propose methods to relieve these tensions, including recommending policy changes to the Legislature; and
- examine roles and responsibilities of various agencies and entities, both regulatory and incentive-based programs.

An initial report must be made to the appropriate legislative committees and the Governor by December 16, 2013.

The state forum may request assistance from local conservation districts to host and conduct local forums on a pilot basis to initiate a dialogue between state regulatory staff and agricultural and rural landowners in that county or region. The Commission may provide incentives to those conservation districts that engage in the pilot program. The Commission must seek involvement from at least one district from each side of the Cascade Mountains each year. The commission must consult with legislators to assist in determining which counties may benefit from the establishment of these forums.

WSDA, DOE, and the Department of Fish and Wildlife, must cooperate with the Commission and participate in the state and local forums.

The Commission must submit a report by December 1, 2017, to the Legislature on the results of the forums and pilot programs, and must also submit any recommendations to further decrease tensions and improve the working relationships and understanding between agricultural landowners and staff assigned to state regulatory agencies.

The act expires on July 1, 2018.

EFFECT OF CHANGES MADE BY AGRICULTURE, WATER & RURAL ECONOMIC DEVELOPMENT COMMITTEE (Recommended Substitute): A legislative finding was added that tension is created by lack of clarity regarding agency roles particularly involving water quality and agriculture. Cross-training of state regulatory staff and conservation district technical staff must be examined. An initial report containing recommendations including agency roles and responsibilities must be submitted to the Legislature by December, 16, 2013. The Department of Natural Resources is removed from the involved state regulatory agencies.

Appropriation: None.

Fiscal Note: Available.

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: PRO: The intent is to provide an opportunity for people who are agricultural producers and people who work for state regulatory agencies to get to know one another and develop personal relationships and overcome cultural barriers. Increasing tensions has been the trend and that can cause situations that are not always productive. This bill is not creating a new structure but allows for an improved way to coordinate discussions. The current Three Director Talks (3DT) that are taking place on agriculture and water quality issues has people keyed up. What is needed is to clarify roles and responsibilities between agencies.

OTHER: The relationships have been strained between the agencies and agricultural constituents. The 3DT talks are to the point that the agencies are soon to embark on a stakeholder process and may be a good pilot for this bill.

Persons Testifying: PRO: Ron Shultz, State Conservation Commission; Tom Davis, WA Farm Bureau; Jim Jesernig, Dave Vogel, WA Assn. of Conservation Districts; Jack Field, WA Cattlemen's Assn.

OTHER: Mark Streuli, WSDA; Donald Seeberger, DOE.