

HOUSE BILL REPORT

E2SSB 5096

*As Reported By House Committee on:
Agriculture & Rural Development*

Title: An act relating to the duties and responsibilities of the department of agriculture.

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

Sponsor(s): Senate Committee on Agriculture & Water Resources (originally sponsored by Senators Barr, Hansen, Anderson, Newhouse, Conner, Bailey, Matson, Patterson, Amondson, Sellar, Bauer, McMullen and L. Smith).

Brief History:

Reported by House Committee on:
Agriculture & Rural Development, April 2, 1991, DPA.

**HOUSE COMMITTEE ON
AGRICULTURE & RURAL DEVELOPMENT**

Majority Report: *Do pass as amended.* Signed by 11 members: Representatives Rayburn, Chair; Kremen, Vice Chair; Nealey, Ranking Minority Member; P. Johnson, Assistant Ranking Minority Member; Chandler; Grant; R. Johnson; Lisk; McLean; Rasmussen; and Roland.

Staff: Kenneth Hirst (786-7105).

Background: The Department of Agriculture administers most of the state's laws which directly regulate the agricultural industry. State law also gives the department the responsibility of promoting the production, distribution, and sale of agricultural commodities. This marketing responsibility of the department is shared by a number of commodity commissions.

Summary of Amended Bill: The Department of Agriculture must seek to enhance and protect the ability of the private sector to produce food and fiber. It must also seek to maintain the economic well-being of the agricultural industry and its dependent rural community in this state.

Amended Bill Compared to Engrossed Second Substitute Bill: The amendments delete provisions which require the Department of Agriculture to evaluate the effect of existing

and proposed rules, directives, policies, standards, and enforcement practices on agriculture; require state agencies to submit to the department for review proposals that may adversely affect agriculture; require the department to request other agencies to minimize the effect of their actions on agriculture; and require the department to submit annual reports to the Legislature regarding its review activities.

Fiscal Note: Available.

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

Testimony For: (1) The bill emphasizes that farmers have a right to farm. (2) The mission statement for the Department of Agriculture contained in the bill would help farmers combat fiction with fact and make the department a guardian of the agricultural industry. (3) The time needed to fill out the paperwork required to comply with the rules of state agencies has a heavy impact on small family-farm operations. This impact should be assessed. (4) On the one hand, the state is restricting the use of rural land to agricultural uses and on the other the state is restricting agricultural activity. Some relief is needed.

Testimony Against: (1) The review process should apply to proposed rules, not existing rules. (2) Small agricultural businesses are already among the small business for which state agencies must evaluate the impact of proposed rules under the Regulatory Fairness Act. (3) This bill (without amendments) would be costly to implement and would likely cause undesirable regional inconsistencies in the application of state rules. (4) The review period specified in the bill does not fit well with the current practice of agencies to solicit comments from affected parties long before rules are formally proposed.

Witnesses: Bill Roberts, Washington State Farm Bureau (in favor with amendments limiting the bill to proposed rules); Steven Cant, Department of Labor and Industries (opposed); Frank DeLong, Washington State Horticulture Association (in favor); Jim Clements (in favor); Bruce Ellingson, Washington Association of Applegrowers (in favor); Lothar Pinkers, Washington State Horse Council (in favor); Marlyta Deck, Washington Cattlemens Association (in favor); and Mike Schwisow, Department of Agriculture.