

# SENATE BILL REPORT

## ESSB 5437

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As Passed Senate, March 3, 2009

**Title:** An act relating to the state conservation commission.

**Brief Description:** Regarding the operation and authority of the state conservation commission.

**Sponsors:** Senate Committee on Agriculture & Rural Economic Development (originally sponsored by Senators Schoesler, Hatfield and Haugen; by request of Conservation Commission).

**Brief History:**

**Committee Activity:** Agriculture & Rural Economic Development: 1/27/09, 2/03/09 [DPS].

Passed Senate: 3/03/09, 46-1.

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### SENATE COMMITTEE ON AGRICULTURE & RURAL ECONOMIC DEVELOPMENT

**Majority Report:** That Substitute Senate Bill No. 5437 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:** Sam Thompson (786-7413)

**Background:** The State Conservation Commission (Commission) was established in 1939 pursuant to the Conservation Districts Law. The Commission provides fiscal, technical, and program assistance to the state's 47 local conservation districts to carry out local projects and represents the local conservation district perspective within state government. It consists of ten members drawn from state agencies and the stakeholder community and meets once every two months at locations across the state. Members are eligible for compensation at a \$50 per diem rate when attending an official meeting or performing statutorily prescribed duties approved by the chair.

Under current law, the Commission must be supplied with suitable office accommodations, necessary supplies, and equipment at the Department of Ecology's (DOE) central office.

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*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.*

Generally, state agencies may exercise only those powers expressly delegated to them in statute or necessarily implied in a delegation of authority.

**Summary of Engrossed Substitute Bill:** Conservation Commission members are eligible for compensation at a \$100 per diem rate when attending an official meeting or performing statutorily prescribed duties approved by the chair.

Suitable office accommodations at DOE's central office need only be supplied to the Commission as long as the Commission and the Office of Financial Management (OFM) deem it appropriate and financially justifiable to do so. OFM will consider possible colocation with other agencies and other ways to achieve efficiencies in the best interest of the state.

The Commission is authorized to seek and accept grants from any source, public or private, to fulfill the agency's purposes. The Commission may also accept gifts or endowments, in trust or otherwise, including real and personal property, for use and benefit consistent with the Conservation Districts Law.

The Commission is authorized to conduct conferences, seminars, and training sessions consistent with the Conservation Districts Law; may accept grants, gifts, and contributions; and may contract for services to accomplish these activities. The Commission may recover costs for these activities at a rate determined by the Commission. It may provide reimbursement to participants in these activities and other Commission sponsored meetings and events, as appropriate and approved by the Commission, consistent with applicable statutes, and may provide meals for participants in working meetings.

The Commission's rulemaking authority is clarified.

Technical corrections make language gender neutral and delete or correct improper terminology.

**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:** PRO: This bill provides the Commission with necessary flexibility regarding its office accommodations and appropriate authority to pursue private funding opportunities – matters of particular importance given the state's current fiscal situation.

**Persons Testifying:** PRO: Ron Shultz, Lynn Bahrych, Washington State Conservation Commission.