

WASHINGTON ASSOCIATION OF CONSERVATION DISTRICTS

Weekly Report

PREPARED BY: COYNE, JESERNIG, LLC

Thursday, January 13, 2011

The 2011 Regular Session of the 62nd Legislature convened on Monday, January 10, 2011. While the House declared itself, “Organized and ready to do business”, relatively early Monday, there was some drama in the Senate on whether or not that Chamber would seat newly-elected Senator Nick Harper. After a flurry of floor speeches on that issue, the uprising against Senator Harper was quickly quashed by a 23 – 18 procedural vote. Shortly thereafter, the Senate declared that it too was “Organized and ready to do business.” Whether that’s actually true or not remains to be seen.

One thing is certain this session. Though many of the more liberal members of the legislature don’t like it, almost everyone understands that the State of Washington has a massive budget deficit that will only be eliminated by cuts to existing state programs. That reality has led to a significant reduction in the number of bills introduced. Though it would be usual to have 500 (plus) bills introduced by the end of the first week of any session, the House has only introduced 175, and the Senate only 110. I can never remember a first week of any session that has had so few bills introduced.

Though legislators clearly understand that the State’s \$4.6B deficit will need to be balanced with cuts, many human service stakeholder groups are already strategizing on how they can possibly increase taxes in spite of the recent passage Initiative 1053. That initiative requires a two-thirds majority vote in the legislature to enact any new taxes. However, it only requires a majority vote to refer new taxes to the ballot. At this time, many of the human service advocates believe that they might be able to avoid significant cuts to the programs they support if they can get voters to vote on a referendum from the Legislature, or a new initiative, that pays for those human service programs by eliminating business tax exemptions. Their polling has shown that if they use the word “loopholes” rather than “exemptions”, that voters are more likely to vote for such a measure.

We have had dozens of meetings this first week with legislators and staff on our number one priority for the 2011 session – retaining an independent Conservation Commission. While we will be actively working Operating and Capital Budget issues throughout the session, we first need to make sure that the Governor’s recommendation to merge the Commission into the Department of Agriculture does not get adopted by the legislature.

Incredibly, even though this proposal was made public quite a while ago, the Governor’s Policy Office has yet to produce an actual bill that would make the merger occur. In spite of that fact, we need districts from every corner of the State to continue sending e-mails and letters to their legislators explaining why this merger is a bad idea. Please make sure to “cc” John Larson on any communication to your local legislators so that we can coordinate it with our efforts here on the Hill.

The Mason Conservation District’s assessment case was argued in front of the State Supreme Court this afternoon. Counsel for Mason CD and WACD did an excellent job of arguing that the CD’s assessment should be upheld as either a “fee” or an “assessment”. Unfortunately, we are not likely to know what the Supreme Court decides on this issue until sometime next summer. That seems like an incredibly long time for all of us to have to wait to see what the Court’s decision will be.

WACD’s annual “Legislative Day” will occur on Wednesday, March 23, 2011. Even though that may seem like a ways out, please set that day aside on your calendar to come down to Olympia to talk to your legislators about conservation issues you care about. Our day will start with a 7 a.m. briefing at the Phoenix Inn on the

status of our key priorities, followed by a full day of legislative meetings, and ending with a Legislative Reception at the Phoenix Inn that evening. It will be a very long day, but if our past experience holds true this year, it also has the possibility of making a major difference in what the legislature does that will affect every CD in the State.

BILL TRACKING SUMMARY

HIGH PRIORITY BILLS

		<u>Sponsor</u>	<u>Position</u>	<u>Status</u>
1086	Making 2011 supplemental operating appropriations.	Hunter	Support	H, Ways & Means
1087	Making 2011-2013 operating appropriations.	Hunter	Support	H, Ways & Means
1162	Natural resources management (Supplement not yet available.)		Support	H, SGTribalAff
5094	Operating budget 2011-2013 (Supplement not yet available.)		Monitor	S, Ways & Means

MEDIUM PRIORITY BILLS

1014	Modifying the authority of a watershed management partnership.	Goodman	Monitor	H, Judiciary
1044	Establishing the office of open records.	Hurst	Support	H, SGTribalAff
1054	Declaring water conservation practices to be a beneficial use of water for the purposes of relinquishment.	Chandler	Support	H, Ag & Nat Res
1070	Regarding the permitting of anaerobic digestion under chapter 70.94 RCW, the clean air act.	Bailey	Support	H, Environment
1117	Regarding the relinquishment of water rights.	Taylor	Support	H, Ag & Nat Res
1139	Public record disputes (Supplement not yet available.)		Monitor	H, SGTribalAff
1161	Small forest landowners (Supplement not yet available.)		Monitor	H, Ag & Nat Res
2058	(Title not yet available.)		Support	
5089	Pub records request disputes (Supplement not yet available.)		Monitor	S, GovtOp & Elect

LOW PRIORITY BILLS

1095	Regarding payments in lieu of taxes for lands managed by the department of fish and wildlife.	Taylor	Monitor	H, Ag & Nat Res
1110	Requiring certain state agencies that manage natural resources to coordinate their land management with local governments.	Taylor	Monitor	H, Ag & Nat Res
1111	Addressing federal and state government coordination with local governments.	Taylor	Monitor	H, Local Govt
1152	Water pollution statutes (Supplement not yet available.)		Support	H, Ag & Nat Res
5062	Concerning providing agencies notice of a dispute under the public records act and an opportunity to cure error in the production of public records.	Pridemore	Monitor	S, GovtOp & Elect

CALENDAR ITEMS

1/13/2011	1014	Watershed mgmt partnerships	Judiciary	10:00 AM	HHR A
1/18/2011	1086	Operating sup budget 2011	Ways & Means	3:30 PM	HHR A
1/19/2011	1086	Operating sup budget 2011	Ways & Means	3:30 PM	HHR A
1/20/2011	1070	Anaerobic digestion	Environment	8:00 AM	HHR C
1/20/2011	1014	Watershed mgmt partnerships	Judiciary	10:00 AM	HHR A
1/20/2011	1044	Office of open records	State Government & Tribal Affairs	10:00 AM	HHR E
1/20/2011	1139	Public record disputes	State Government & Tribal Affairs	10:00 AM	HHR E

BILL TRACKING DETAILS

1014 WATERSHED MGMT PARTNERSHIPS **GOODMAN**
Representatives Goodman, Springer, Sullivan, and Eddy

Addresses a watershed management partnership's authority with regard to Lake Tapps' water supply.

Full Text URL: <http://www.leg.wa.gov/pub/billinfo/2011-12/Pdf/Bills/House Bills/1014.pdf>

1044 OFFICE OF OPEN RECORDS **HURST**
Representatives Hurst, Armstrong, Takko, Ross, Hinkle, Pearson, Warnick, Haler,
Johnson, Smith, Harris, and Fagan Requested by
Attorney General and State Auditor

Creates an independent office of open records within the office of administrative hearings.

Full Text URL: <http://www.leg.wa.gov/pub/billinfo/2011-12/Pdf/Bills/House Bills/1044.pdf>

1054 WATER CONSERVATION PRACTICES **CHANDLER**
Representatives Chandler, Taylor, Nealey, and Warnick

Clarifies that water conservation practices by all water users are encouraged and are considered a beneficial use of the water for purposes of relinquishment.

Full Text URL: <http://www.leg.wa.gov/pub/billinfo/2011-12/Pdf/Bills/House Bills/1054.pdf>

1070 ANAEROBIC DIGESTION **BAILEY**
Representatives Bailey, Blake, Smith, Chandler, and Hope

Creates a limited permitting exemption under the clean air act for anaerobic digestion in order to minimize any regulatory burdens inhibiting the furtherance of the state public interest.

Full Text URL: <http://www.leg.wa.gov/pub/billinfo/2011-12/Pdf/Bills/House Bills/1070.pdf>

1086 OPERATING SUP BUDGET 2011 **HUNTER**
Representatives Hunter, Alexander, and Darneille Requested by
Governor Gregoire

Makes 2011 supplemental operating appropriations.

Companion Bill: 5095 Operating sup budget 2011 S, Ways & Means

Full Text URL: <http://www.leg.wa.gov/pub/billinfo/2011-12/Pdf/Bills/House Bills/1086.pdf>

1087 OPERATING BUDGET 2011-2013 **HUNTER**
Representatives Hunter, Alexander, and Darneille Requested by
Governor Gregoire

Makes 2011-2013 operating appropriations.

Companion Bill: 5094 Operating budget 2011-2013 S, Ways & Means

Full Text URL: <http://www.leg.wa.gov/pub/billinfo/2011-12/Pdf/Bills/House Bills/1087.pdf>

1095 DFW-MANAGED LANDS/PAYMENTS **TAYLOR**
Representatives Taylor, Kretz, Short, and McCune

Authorizes a county legislative authority, if deemed by the authority as beneficial for the economic development of the county, to elect to either reduce payments or excuse from payments certain department-owned game land.
Requires the department of fish and wildlife to make payments under RCW 77.12.203 (in-lieu payments authorized) for lands transferred to the department from other state agencies.

Full Text URL: <http://www.leg.wa.gov/pub/billinfo/2011-12/Pdf/Bills/House Bills/1095.pdf>

1110 NATURAL RESOURCES MANAGEMENT TAYLOR
Representatives Taylor, Shea, Kretz, Short, Rolfes, and McCune

Requires the department of fish and wildlife, the department of natural resources, and the parks and recreation commission to coordinate with all applicable affected local government officials during the development, revision, and implementation of any public land use plan under the control or authority of the department or the commission, as applicable.

Full Text URL: <http://www.leg.wa.gov/pub/billinfo/2011-12/Pdf/Bills/House Bills/1110.pdf>

1111 FEDERAL, STATE & LOCAL GOVTS TAYLOR
Representatives Taylor, Shea, Kretz, Short, McCune, and Condotta

Authorizes a local government or special purpose district, if the ordinances, regulations, plans, or policies of a local government or special purpose district are less restrictive than applicable federal or state laws or requirements, to demand that the federal or state government coordinate with the local government or special purpose district before the federal or state government implements, enforces, expands, or extends the federal or state law or requirement within the jurisdictional boundary of the local government or special purpose district.

Full Text URL: <http://www.leg.wa.gov/pub/billinfo/2011-12/Pdf/Bills/House Bills/1111.pdf>

1117 WATER RIGHT RELINQUISHMENT TAYLOR
Representatives Taylor, Warnick, Chandler, Kretz, and McCune

Abolishes relinquishment of water rights by removing all references to relinquishment in the RCW.

Full Text URL: <http://www.leg.wa.gov/pub/billinfo/2011-12/Pdf/Bills/House Bills/1117.pdf>

1139 PUBLIC RECORD DISPUTES

(Supplement not yet available.)

Companion Bill: 5062 Public record disputes S, GovtOp & Elect

Full Text URL: <http://www.leg.wa.gov/pub/billinfo/2011-12/Pdf/Bills/House Bills/1139.pdf>

1152 WATER POLLUTION STATUTES

(Supplement not yet available.)

Full Text URL: <http://www.leg.wa.gov/pub/billinfo/2011-12/Pdf/Bills/House Bills/1152.pdf>

1161 SMALL FOREST LANDOWNERS

(Supplement not yet available.)

Full Text URL: <http://www.leg.wa.gov/pub/billinfo/2011-12/Pdf/Bills/House Bills/1161.pdf>

1162 NATURAL RESOURCES MANAGEMENT

(Supplement not yet available.)

Full Text URL: [http://www.leg.wa.gov/pub/billinfo/2011-12/Pdf/Bills/House Bills/1162.pdf](http://www.leg.wa.gov/pub/billinfo/2011-12/Pdf/Bills/House%20Bills/1162.pdf)

2058

(NO TITLE AVAILABLE)

(Supplement not yet available.)

Full Text URL: [http://www.leg.wa.gov/pub/billinfo/2011-12/Pdf/Bills/House Bills/2058.pdf](http://www.leg.wa.gov/pub/billinfo/2011-12/Pdf/Bills/House%20Bills/2058.pdf)

5062

PUBLIC RECORD DISPUTES

PRIDEMORE

Senators Pridemore, Swecker, Hatfield, Becker, Kastama, White, Tom, Parlette, Shin,
Chase, Pflug, and Holmquist Newbry

Requested by
Attorney General

Provides an agency with the opportunity to correct an error and provide a public record that may have been previously withheld or not located to reduce the loss of public funds through the assessment of penalties.

Companion Bill: 1139 Public record disputes H, SGTribalAff

Full Text URL: [http://www.leg.wa.gov/pub/billinfo/2011-12/Pdf/Bills/Senate Bills/5062.pdf](http://www.leg.wa.gov/pub/billinfo/2011-12/Pdf/Bills/Senate%20Bills/5062.pdf)

5089

PUB RECORDS REQUEST DISPUTES

(Supplement not yet available.)

Full Text URL: [http://www.leg.wa.gov/pub/billinfo/2011-12/Pdf/Bills/Senate Bills/5089.pdf](http://www.leg.wa.gov/pub/billinfo/2011-12/Pdf/Bills/Senate%20Bills/5089.pdf)

5094

OPERATING BUDGET 2011-2013

(Supplement not yet available.)

Companion Bill: 1087 Operating budget 2011-2013 H, Ways & Means

Full Text URL: [http://www.leg.wa.gov/pub/billinfo/2011-12/Pdf/Bills/Senate Bills/5094.pdf](http://www.leg.wa.gov/pub/billinfo/2011-12/Pdf/Bills/Senate%20Bills/5094.pdf)