



## Capitol View

### *Legislative Session Summary for the Tree Fruit Industry*

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**February 11, 2009**

**Tree Fruit Day Highlights Legislative Week For Lawmakers.** – The annual tree fruit industry trek to Olympia occurred last week with the delivery of fresh-fruit gift packs to every legislative office. The delivery of the gift boxes is becoming a popular event for elected officials and their staff, as well as the Senate and House pages who make the deliveries. Tree fruit producers, industry members, and WSHA staff met with more than 51 legislators and agency staff throughout the day. The face-to-face meetings are a valuable opportunity to share key information about the tree fruit industry in the midst of a legislative session that develops policies that directly affect our lives. WSHA thanks everyone who participated and all the companies who donated products for the gift boxes.

**State Budget Process** – Increasingly anxious about the affect of the recession on the state budget process, the Legislature has taken the unusual step of asking the Economic & Revenue Forecast Council to make a preliminary forecast on Feb. 19. Serious budget writing doesn't usually begin until the March revenue forecast, which tells lawmakers how much money they'll have to spend -- or not. The council has warned legislators, however, that the fragility of financial markets and the economy in general may produce an official March forecast that is much

different than the preliminary.

**Until February 25 lawmakers will review proposed legislation in policy and budget committees.** In order to remain viable, by the 25th a bill must be voted out of the committee in which it originated. Bills that do not receive a hearing are not likely to move forward in the legislative process.

**Bills regulating the use of water and the relinquishment of water rights** have multiplied this year. Rep. Judy Warnick (R-Moses Lake) has sponsored three bills to support the rights of water users. HB 1266 makes a water right change application sufficient cause for nonuse of a water right. HB 1267 requires Ecology to "liberally construe" the list of exceptions to relinquishment. HB 1268 eliminates partial relinquishment of water rights, and HB 1269 includes crop rotation in the short-term or long-term changes in crops that allow for reduced water usage.

Another measure which appears to have the broad support needed to move forward is HB 1334 and its twin in the Senate, SB 5299. Each is sponsored by the chair of the House or Senate agriculture committee. The bill establishes that water users on the main stem of the Columbia or the Lower Snake River will not have to relinquish their rights or a portion of water rights if reduced usage is the result of good conservation and maintenance.

**The state's fat Unemployment Insurance Fund may be substantially slimmer next week if the state Senate** – follows the example of the House and approves a plan to tap the fund to increase unemployment benefits by about \$45 per week. The so-called "Economic Security Act of 2009" has the support of legislative leaders and the governor. HB 1906 would divert \$193 million from the \$4 billion trust fund over the next year. The measure also expands training benefits for low-income workers, veterans, and the disabled. Seasonal workers are not eligible for the training benefits. The full Senate is expected to vote on the measure this week.

**The "Essential Worker Pilot Program"** enjoys bipartisan support in the House and Senate, with HB 1896 set for a hearing on Feb. 11. House Bill 1896 and its companion, Senate Bill 5831, authorize the state Employment Security Department (ESD) to meet and negotiate with foreign representatives to import temporary guest workers for jobs in seasonal industries, including agriculture, in which job vacancies not being filled by domestic workers. It's not clear whether the state will need special Congressional permission to proceed in the area of immigration generally under the control of the federal government. The bill requires the employment security department (ESD) to petition Congress to create a new classification of non-immigrant visa.

Participating employers would pay up to \$500 per worker associated with the program, which could bring workers to Washington state by summer 2010. The bill requires employers to provide housing to essential workers while they are employed. The pilot program, which would expire in December 2013, includes training programs for essential workers, including limited to basic English language and civics training.

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**WSHA BILL WATCH**  
**WASHINGTON STATE HORTICULTURAL ASSOCIATION BILL  
WATCH**

**February 11, 2009.**

**The 2009 session of the state Legislature began on January 12, 2009 and lasts for 105 days. A record number of proposals were introduced and considered for a 60 day session. Click on the bill numbers below to see more information about each bill.**

<b><u>Number</u></b>	<b><u>Subject</u></b>	<b><u>Status</u></b>
<b>LABOR</b>		
<a href="#"><u>HB 1896</u></a>	Creates the Essential Worker Pilot Program.	<a href="#">House Commerce &amp; Labor</a>
<a href="#"><u>SB 5831</u></a>	Creating the Washington state essential worker pilot program.	<a href="#">Senate Labor Commerce &amp; Consumer Protection</a>
<a href="#"><u>HB 1711</u></a>	Modifies provisions regarding the computation of median wages for unemployment compensation purposes.	<a href="#">House Commerce &amp; Labor</a>
<a href="#"><u>HB 1990</u></a>	Exempting language service providers from the definition of employment and worker for the purposes of unemployment compensation and industrial insurance.	<a href="#">House Commerce &amp; Labor</a>
<a href="#"><u>SB 5771</u></a>	Exempting language service providers from the definition of employment and worker for the purposes of unemployment compensation and industrial insurance.	<a href="#">Senate Labor Commerce &amp; Consumer Protection</a>
<b>PERMITTING</b>		
<a href="#"><u>SB 5120</u></a>	Stipulates that the permitting fee for an agricultural structure may not exceed the lower of the actual cost of administration, or \$75. Defines "specialty agricultural structures" as structures that are designed and constructed to house farm equipment, hay, grain, poultry, livestock, and other horticultural products.	<a href="#">Senate Government Operations</a>
<b>PROPERTY</b>		
<a href="#"><u>HB 1242</u></a>	Allows people who lease land to bring legal action against the property owner if the owner causes the lessee to lose the opportunity to	<a href="#">House Judiciary</a>

harvest an agricultural crop.

HB            Allowing annexation of county-owned            [House Rules](#)  
1295            fairgrounds only with the consent of the  
majority of the board of county  
commissioners.

### TAXES

HB            Defining commercial agricultural purposes to            [House Ag](#)  
1232            include current farming practices and activities  
related to the raising, harvesting, feeding,  
breeding, managing, selling, care, or training  
of a farm product.

HB            Requiring that first-year taxes paid on new            [House Local](#)  
1557            farm structures be used to offset any permit            [Government](#)  
and inspection fees.

### WATER

HB            Eliminates the partial relinquishment of water            [House Ag](#)  
1268            rights.

SB 5299    Directs the Department of Ecology to            [Senate](#)  
aggressively pursue the development of            [Environment,](#)  
storage, conservation, and other actions to            [Water & Energy](#)  
provide water supplies to benefit both instream  
and out-of-stream uses.

HB            Concerning water resource management on the            [House Ag](#)  
1334            Columbia and Snake rivers.

SB 5533    Defines the process for a "limited" water rights            [Senate](#)  
adjudication process when the issues requiring            [Environment](#)  
determination of water do not affect every  
water right holder in a basin. The Yakima  
River Basin Surface Water Adjudication is the  
only general adjudication currently in process  
and is nearing completion.

SB 5839    Revises several rules for irrigation district            [Senate](#)  
management, including electric power            [Agriculture](#)  
authority, director compensation, and district  
liability.