

FINAL BILL REPORT

EHB 2133

C 80 L 96

Synopsis as Enacted

Brief Description: Disclosing agriculture business records.

Sponsors: Representatives Chandler, Chappell, Mastin, Schoesler, Grant, Regala, Honeyford, Johnson and Boldt; by request of Department of Agriculture.

House Committee on Agriculture & Ecology

Senate Committee on Agriculture & Agricultural Trade & Development

Background: Public Records. A part of the state's public disclosure laws regulates the indexing, maintenance, and disclosure to the public of records in the custody of state and local governmental entities. Each agency must make available for public inspection and copying all public records, unless the record falls within specific exemptions codified in the public disclosure laws or in other statutes.

Among the records the disclosure laws exempt from disclosure are the financial and commercial information and records supplied by private persons pertaining to export services provided under state laws creating the state's Economic Development Finance Authority and authorizing export trading companies created by public ports.

Agricultural Marketing Programs. State law designates the Department of Agriculture as the agency responsible for administering state agricultural market development programs, domestic and foreign. A number of agricultural commodity commissions have been created directly by statute or indirectly under the Agricultural Enabling Acts of 1955 and 1961. Marketing promotion is a principal activity of many of the commodity commissions. The activities of many of the commissions are funded by assessments levied on the sale of the products that fall within their jurisdictions. Certain exports of agricultural commodities to other states or nations must be accompanied by phytosanitary certificates attesting to compliance with quarantine or similar requirements of the receiving state or nation.

Summary: The following records are exempted from the public disclosure requirements of the state's public disclosure law:

(1) Production or sales records required to determine assessment levels and actual assessment payments to commodity commissions, or required by the Department of Agriculture regarding agricultural and vegetable seeds under the Seed Act, or regarding the wholesale marketing of fruit trees, fruit tree-related ornamental trees, and fruit tree rootstock.

(2) Consignment information contained on phytosanitary certificates or on applications for phytosanitary certification required by the department.

(3) Financial and commercial information and records supplied by persons to agricultural commodity commissions with respect to domestic or export marketing activities or individual producer's production information.

(4) Financial and commercial information and records supplied by persons to the department with respect to export market development projects.

The latter exemption does not apply if the information is statistical information not descriptive of any readily identifiable person or persons, or if confidentiality is waived by the party supplying the information.

Votes on Final Passage:

House	96 0
Senate	46 0

Effective: June 6, 1996