

2 **ESB 5514** - H COMM AMD

3 By Committee on Agriculture & Ecology

4 ADOPTED AS AMENDED 4/14/97

5 Strike everything after the enacting clause and insert the
6 following:

7 "NEW SECTION. **Sec. 1.** The legislature finds that Initiative
8 Measure No. 601, adopted by the people of the state of Washington,
9 limits fee increases by requiring that any increases in fees beyond the
10 levels expressly allowed under the initiative receive the prior
11 approval of the legislature. The legislature finds that a more direct
12 system of allowing the people to control fee increases predates
13 Initiative Measure No. 601. This system developed in agricultural
14 communities and provides these communities with direct control of the
15 fees of the agricultural commodity commissions they created to serve
16 them. The system requires those who pay the assessments levied by
17 commodity commissions and boards to approve of assessment increases by
18 referendum. It is at the heart of the statutes and marketing orders
19 and agreements under which agricultural commodity commissions and
20 boards are created. The legislature does not believe that the adoption
21 of Initiative Measure No. 601 was intended to dilute in any manner this
22 more direct control held by the people governed by commodity
23 commissions or boards over the fees they pay in the form of such
24 assessments. Therefore, the legislature defers to this more direct
25 control of these assessments so long as the authority to approve or
26 disapprove of increases in these assessments is by referendum held
27 directly by those who pay them.

28 **Sec. 2.** RCW 43.135.055 and 1994 c 2 s 8 are each amended to read
29 as follows:

30 (1) No fee may increase in any fiscal year by a percentage in
31 excess of the fiscal growth factor for that fiscal year without prior
32 legislative approval.

33 (2) This section does not apply to an assessment made by an
34 agricultural commodity commission or board created by state statute or
35 created under a marketing agreement or order under chapter 15.65 or

1 15.66 RCW if the assessment is approved by referendum in accordance
2 with the provisions of the statutes creating the commission or board or
3 chapter 15.65 or 15.66 RCW for approving such assessments.

4 **Sec. 3.** RCW 15.28.180 and 1992 c 87 s 1 are each amended to read
5 as follows:

6 (1) The same assessment shall be made for each soft tree fruit,
7 except that if a two-thirds majority of the state commodity committee
8 of any fruit recommends in writing the levy of an additional assessment
9 on that fruit, or any classification thereof, for any year or years,
10 the commission may levy such assessment for that year or years up to
11 the maximum of eighteen dollars for each two thousand pounds of any
12 fruit except cherries or any classification thereof, as to which the
13 assessment may be increased to a maximum of thirty dollars for each two
14 thousand pounds, and except pears covered by this chapter, as to which
15 the assessment may be increased to a maximum of eighteen dollars for
16 each two thousand pounds: PROVIDED, That no increase in the assessment
17 on pears becomes effective unless the increase is first referred by the
18 commission to a referendum by the Bartlett pear growers of the state
19 and is approved by a majority of the growers voting on the referendum.
20 The method and procedure of conducting the referendum shall be
21 determined by the commission. Any funds so raised shall be expended
22 solely for the purposes provided in this chapter and solely for such
23 fruit, or classification thereof.

24 The commission has the authority in its discretion to exempt in
25 whole or in part from future assessments under this chapter, during
26 such period as the commission may prescribe, any of the soft tree
27 fruits or any particular strain or classification of them.

28 (2) An assessment levied under this chapter may be increased in
29 excess of the fiscal growth factor as determined under chapter 43.135
30 RCW if the assessment is submitted by referendum to the growers who are
31 subject to the assessment and the increase is approved by a majority of
32 those voting on the referendum. The method and procedure of conducting
33 the referendum shall be determined by the commission.

34 **Sec. 4.** RCW 15.86.070 and 1992 c 71 s 10 are each amended to read
35 as follows:

36 (1) The director may adopt rules establishing a certification
37 program for producers, processors, and vendors of organic or transition

1 to organic food. The rules may govern, but are not limited to
2 governing: The number and scheduling of on-site visits, both announced
3 and unannounced, by certification personnel; recordkeeping
4 requirements; and the submission of product samples for chemical
5 analysis. The rules shall include a fee schedule that will provide for
6 the recovery of the full cost of the organic food program. Fees
7 collected under this section shall be deposited in an account within
8 the agricultural local fund and the revenue from such fees shall be
9 used solely for carrying out the provisions of this section, and no
10 appropriation is required for disbursement from the fund. The director
11 may employ such personnel as are necessary to carry out the provisions
12 of this section.

13 (2) The fees established under this section may be increased in
14 excess of the fiscal growth factor as provided in RCW 43.135.055 for
15 the fiscal year ending June 30, 1998.

16 NEW SECTION. Sec. 5. A new section is added to chapter 43.23 RCW
17 to read as follows:

18 The director may collect moneys to recover the reasonable costs of
19 publishing and disseminating informational materials by the department.
20 Materials may be disseminated in printed or electronic format. All
21 moneys collected shall be deposited in the agricultural local fund or
22 other appropriate fund administered by the director.

23 **Sec. 6.** RCW 22.09.050 and 1994 c 46 s 4 are each amended to read
24 as follows:

25 Any application for a license to operate a warehouse shall be
26 accompanied by a license fee of (~~twelve hundred~~) one thousand three
27 hundred fifty dollars for a terminal warehouse, (~~nine hundred~~) one
28 thousand fifty dollars for a subterminal warehouse, and (~~three hundred~~
29 ~~and fifty~~) five hundred dollars for a country warehouse. If a
30 licensee operates more than one warehouse under one state license as
31 provided for in RCW 22.09.030, the license fee shall be computed by
32 multiplying the number of physically separated warehouses within the
33 station by the applicable terminal, subterminal, or country warehouse
34 license fee.

35 If an application for renewal of a warehouse license or licenses is
36 not received by the department prior to the renewal date or dates
37 established by the director by rule, a penalty of fifty dollars for the

1 first week and one hundred dollars for each week thereafter shall be
2 assessed and added to the original fee and shall be paid by the
3 applicant before the renewal license may be issued. This penalty does
4 not apply if the applicant furnishes an affidavit certifying that he
5 has not acted as a warehouseman subsequent to the expiration of his or
6 her prior license.

7 **Sec. 7.** RCW 22.09.055 and 1994 c 46 s 5 are each amended to read
8 as follows:

9 An application for a license to operate as a grain dealer shall be
10 accompanied by a license fee of (~~six hundred~~) seven hundred fifty
11 dollars. The license fee for exempt grain dealers shall be (~~one~~
12 ~~hundred fifty~~) three hundred dollars.

13 If an application for renewal of a grain dealer or exempt grain
14 dealer license is not received by the department before the renewal
15 date or dates established by the director by rule, a penalty of fifty
16 dollars for the first week and one hundred dollars for each week
17 thereafter shall be assessed and added to the original fee and shall be
18 paid by the applicant before the renewal license may be issued. This
19 penalty does not apply if the applicant furnishes an affidavit
20 certifying that he has not acted as a grain dealer or exempt grain
21 dealer after the expiration of his or her prior license.

22 NEW SECTION. **Sec. 8.** Sections 6 and 7 of this act take effect
23 July 1, 1998.

24 NEW SECTION. **Sec. 9.** Sections 1 through 3 of this act are
25 necessary for the immediate preservation of the public peace, health,
26 or safety, or support of the state government and its existing public
27 institutions, and take effect immediately."

28 Correct the title.

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