

ANALYSIS OF ESB 5514

House Agriculture & Ecology Committee

March 20, 1997

BACKGROUND:

Commodity Boards & Commissions. *Some agricultural commodity commissions, such as the Fruit Commission, Tree Fruit Research Commission, Apple Advertising Commission, Beef Commission, and Dairy Products Commission, have been created by statute. (Chapters 15.28, 15.24, 15.26, 15.44, and 16.67 RCW.)*

The Fruit Commission conducts activities with regard to cherries, apricots, prunes, plums, peaches, nectarines, and Bartlett pears. (RCW 15.28.010(6) and 15.28.110.) The statutes creating the Commission provide means for growers to recommend increases in the Commission's assessment on a particular fruit. (RCW 15.28.180.) Those for pears must be approved by a referendum by Bartlett pear growers before they may take effect. (RCW 15.28.180.)

The state's Agricultural Enabling Acts of 1955 and 1961 provide procedures under which the producers of agricultural commodities may prepare marketing agreements and orders to create, by referenda, agricultural commodity boards and commissions for the commodities without further statutory authority. (Chapters 15.65 and 15.66 RCW.) The Enabling Acts allow assessments to be amended only by a referendum approved by affected producers or producers and handlers or by the written agreement by the affected parties. (RCW 15.65.160, 15.65.400, 15.66.090, and 15.66.150.) The Dry Pea and Lentil Commodity Board and the Farmed Salmon Commodity Board were created under the 1961 Enabling Act. (Chapters 16-536 and 16-580 WAC.) The Wheat Commission was established under the 1955 Enabling Act. (Chapter 16-528 WAC.)

Initiative 601. *Initiative 601 was approved by the voters at the November 1993 general election. Section 8 of the initiative states that no fee may increase in any fiscal year by a percentage in excess of the fiscal growth factor for that fiscal year without prior legislative approval. (RCW 43.135.055.) The fiscal growth factor for a fiscal year is the average of the sum of inflation and population change for each of the prior three fiscal years. (RCW 43.135.025(6).)*

Organic Certification. *The Director of Agriculture may adopt a fee schedule for recovering the full costs of the Department of Agriculture for administering an organic food program. The fees are to be deposited in the Agricultural Local Fund and used solely for carrying out the certification program. (RCW 15.86.070.)*

Public Records. *The public records portion of the state's public disclosure laws prohibit a public agency from requiring a fee for the public's inspection of public records. Nor may they charge a fee for locating public documents and making them available for copying. These laws permit the agencies to charge a reasonable fee for providing copies of a public record and establish rules for what constitutes a reasonable copying fee. The costs of shipping copies of public records, including postage or delivery costs, may be recovered. (RCW 42.17.260(7) and 42.17.300.) Public records include data compilations from which information may be obtained or translated. (RCW 42.17.020(36)&(42).)*

SUMMARY:

Commission Assessments. *The Fruit Commission may raise its annual assessment in excess of the fiscal growth factor to \$18/2000 pounds of soft fruit other than cherries and to \$30/2000 pounds of cherries. (Section 2.)*

The Dry Pea and Lentil Commodity Board may raise its annual assessment on net receipts in excess of the fiscal growth factor to a rate of 2% from 1%. (Section 1(1).)

The Farmed Salmon Commodity Board may raise its assessment in excess of the fiscal growth factor from 1/pound on the first 15 million pounds produced collectively by producers to 1½/pound on the first 10 million pounds and 1/pound on the next 5 million pounds. (Section 1(2).)

The Wheat Commission may raise its annual assessment in excess of the fiscal growth factor to 1% of the net receipts at the first point of sale from 0.5%. (Section 5.)

These assessment limits apply only to a commission's authority to raise assessments in excess of the fiscal growth factor. Any alteration in assessments by these boards or the commission must be conducted in compliance with the procedural requirements established by current law for altering or amending assessments. (Sections 1(3) and 2(2).)

Organic Certification Fees. *The Director of Agriculture may increase, in excess of the fiscal growth factor for FY 1998, the fees for the organic certification program. (Section 3.)*

Fees for Publishing and Disseminating Information. *The Director may also collect, for deposit in the Agricultural Local Fund, moneys to recover reasonable costs of publishing and disseminating information in printed or electronic format. (Section 4.)*

Effective Date: *The bill contains an emergency clause. The provisions regarding the Fruit Commission, the Dry Pea and Lentil Commodity Board, and the Farmed Salmon Commodity Board take effect immediately.*