

# FINAL BILL REPORT

## HB 1126

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Synopsis as Enacted

**Brief Description:** Allowing seed testing fees to increase in excess of the fiscal growth factor set out in chapter 43.135 RCW.

**Sponsors:** By Representatives Schoesler and Linville.

**House Committee on Agriculture & Natural Resources**

**House Committee on Appropriations**

**Senate Committee on Agriculture**

### **Background:**

The state's seed laws were enacted to provide uniformity and consistency in the packaging of agricultural, vegetable, and flower seeds. The laws require the germination rate to be included on a required label for the seed and authorize the state's Department of Agriculture (WSDA) to establish by rule standards and label requirements for flower seed, vegetable seed, and agricultural seed. Among the authorities of the WSDA under the seed laws are those to sample and test seeds, to adopt and enforce rules for inspecting and certifying seeds and growing crops of seeds, and to establish fees and assessments for carrying out the seed laws.

Initiative 601 was approved by the voters at the November 1993 general election. A provision 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. The Forest Products Commission is exempted from this limitation as are referendum approved assessments of agricultural commodity commissions and boards. 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.

The Agricultural Local Fund is in the custody of the State Treasurer; it is not subject to appropriation. Among the accounts in the Fund are those for: the commission merchant program, feed and fertilizer regulation, grain warehouse audits, livestock identification, nursery inspection, hop inspection, organic food certification, plant stock certification, and seed inspection and certification.

### **Summary:**

The WSDA may increase fees established under the seed laws regarding laboratory testing and seed certification in excess of the fiscal growth factor. This authority is

granted to the WSDA for increasing the fees only if it does so by rule during the fiscal year ending June 30, 2004. However, this authority is null and void if any of the moneys from any source that have been deposited in the Agricultural Local Fund are transferred to the General Fund, or authorized to be transferred to the General Fund, by legislation enacted during the first six months of calendar year 2003.

**Votes on Final Passage:**

House 94 1  
Senate 46 0 (Senate amended)  
House (House refused to concur)  
Senate 48 0 (Senate receded)

**Effective:** July 1, 2003