
**Agriculture & Natural
Resources Committee**

HB 1126

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

Sponsors: Representatives Schoesler and Linville.

Brief Summary of Bill

- Authorizes the Department of Agriculture (WSDA) to increase certain fees levied under the seed laws in excess of the fiscal growth factor under specified conditions.

Hearing Date: 2/7/03

Staff: Kenneth Hirst (786-7105).

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. The latter includes grass, lawn, and turf seed. (RCW 15.49.021 and .031.) 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. (RCW 15.49.370.)

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. (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(7).)

The Agricultural Local Fund is in the custody of the State Treasurer; it is not subject to appropriation. (RCW 43.23.230.) 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 of Bill:

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 this calendar year.

Appropriation: None.

Fiscal Note: Requested on February 3, 2003.

Effective Date: The bill contains an emergency clause and takes effect on July 1, 2003.