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**Agriculture & Natural Resources  
Committee**

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**HB 2618**

**Brief Description:** Concerning commodity commissions.

**Sponsors:** Representatives Linville, Schoesler, Holmquist, Grant and Sump.

**Brief Summary of Bill**

- Changes the methods and process for public notice of hearings, decisions, and orders related to commodity commission orders.

**Hearing Date:** 2/3/04

**Staff:** Sarah Shirey (786-5793).

**Background:**

A commodity commission may be established for an agricultural commodity directly by statute or through marketing orders adopted according to the Washington Agricultural Enabling Act. The primary role of a commodity commission is to conduct marketing programs, provide information, communication, education and training, and otherwise steward the specific commodity assigned to the commission.

Marketing orders establishing commodity commissions are adopted by rule of the Washington State Department of Agriculture (WSDA). The WSDA Director is directed to provide notice of a hearing to issue, amend or terminate a marketing order. The WSDA must publish notice of a hearing once a week for four consecutive weeks in one or more newspapers of general circulation within the affected area. The WSDA must also mail notice to all affected parties or producers.

After the public hearing, the WSDA Director must publish findings upon material points controverted at a public hearing along with the Director's recommended decisions. These findings and recommended decisions must be delivered or mailed to all parties in attendance at the hearing or their attorneys. After the issuance of recommended decisions, and after the Director has considered objections, the director may issue his or her final decision. The WSDA must mail or deliver this final decision to the same parties who received the findings and recommended decisions.

Finally, after the issuance of the Director's final decision approving the issuance, amendment or termination of a marketing order, the Director must determine by a referendum whether the

affected parties or producers agree to the action proposed in the final decision. The WSDA Director must conduct the referendum among the affected parties or producers. The referendum requires a 51 percent majority to pass. If passed, the WSDA Director must promulgate the order and mail notice to all affected parties.

**Summary of Bill:**

Notice of a public hearing to issue, amend, or terminate a marketing order must be published for one day in a newspaper of general circulation within the affected area and must be mailed to all affected parties or producers. The mailing must include the commission's web site address and direct the recipient to the web site for more information.

The WSDA Director's findings and decisions, both recommended and final, also must be posted on the commodity commission's web site. Affected parties who do not have access to the Internet may request notification by mail. If the WSDA Director's decision does not include changes to the proposal, mail notification must be in the form of a postcard. If the decision includes changes to the proposal, mail notification must be in the form of a letter describing the changes and how to obtain copies of the full text of the order. If the commission does not have a web site, notification must be made by mail in the form of a postcard or letter, as applicable.

The commission must also post on its web site any orders promulgated by the WSDA Director after the referendum. Affected parties who do not have Internet access may request notification by mail. If the commission does not have a web site, notification must be by mail.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** The bill takes effect 90 days after adjournment of session in which bill is passed.