

SENATE BILL REPORT

HB 2301

As Reported By Senate Committee On:
Agriculture, February 19, 2004

Title: An act relating to severability clauses in commodity commission statutes.

Brief Description: Including severability clauses in commodity commission statutes.

Sponsors: Representatives Linville and Schoesler; by request of Department of Agriculture.

Brief History:

Committee Activity: Agriculture: 2/19/04 [DP].

SENATE COMMITTEE ON AGRICULTURE

Majority Report: Do pass.

Signed by Senators Swecker, Chair; Brandland, Vice Chair; Rasmussen and Sheahan.

Staff: Evan Sheffels (786-7486)

Background: Commodity commissions are funded by assessments on producers of that commodity. Commissions are generally authorized to perform a number of activities including conducting research studies to find more efficient methods of production, irrigation, processing, transportation, handling, and marketing of that commodity, and providing for the advertising and sales promotion of the commodity. Recent court decisions have led to uncertainty regarding the constitutionality of certain agricultural commodity commission promotional activities.

If a court determines one or more parts of a chapter to be unconstitutional or invalid, a severability clause declares the Legislature's intent that the remainder of the chapter remain in effect.

Most of Washington's 24 commodity commissions operate under chapters that contain severability clauses, though some operate under chapters that do not contain severability clauses.

Summary of Bill: Severability clauses are added to the following agricultural commodity commission statutes: Chapter 15.28 RCW (Fruit Commission), Chapter 15.44 RCW (Dairy Products Commission), and Chapter 15.66 RCW (Potato, Seed Potato, Bulb, Fryer, Wheat, and Barley Commissions).

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill contains an emergency clause and takes effect immediately.

Testimony For: This bill will protect these commodity commission statutes from judicial invalidation.

Testimony Against: None.

Testified: PRO: Leslie Emerick, WSDA; Heather Hansen, WA Wheat Growers; Jim Jesernig, WA Potato Onion Association.