

SENATE BILL REPORT

SB 6106

As Reported By Senate Committee On:
Agriculture, January 22, 2004

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

Brief Description: Including severability clauses in commodity commission statutes.

Sponsors: Senators Rasmussen and Swecker; by request of Department of Agriculture.

Brief History:

Committee Activity: Agriculture: 1/15/04, 1/22/04 [DP].

SENATE COMMITTEE ON AGRICULTURE

Majority Report: Do pass.

Signed by Senators Swecker, Chair; Brandland, Vice Chair; Jacobsen, 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 activities.

If a court determines one or more parts of a chapter to be unconstitutional, 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: The addition of severability clauses to these commodity commission chapters may be very critical. In some commodity commission cases courts have pointed to the lack of severability clauses as the reason for invalidating all of a commission's statutes instead of just throwing out parts found to be unconstitutional.

Testimony Against: None.

Testified: PRO: Leslie Emerick, WSDA; Jim Jesernig, Washington Potato and Onion Association.