

# SENATE BILL REPORT

## HB 3095

---

---

As Reported by Senate Committee On:  
Agriculture & Rural Economic Development, February 22, 2010

**Title:** An act relating to the Washington tree fruit research commission.

**Brief Description:** Modifying the powers of the Washington tree fruit research commission.

**Sponsors:** Representatives Blake, Chandler and Wallace.

**Brief History:** Passed House: 2/10/10, 96-0.

**Committee Activity:** Agriculture & Rural Economic Development: 2/18/10, 2/22/10 [DP].

---

### SENATE COMMITTEE ON AGRICULTURE & RURAL ECONOMIC DEVELOPMENT

**Majority Report:** Do pass.

Signed by Senators Hatfield, Chair; Ranker, Vice Chair; Schoesler, Ranking Minority Member; Becker, Haugen, Morton and Shin.

**Staff:** Bob Lee (786-7404)

**Background:** The Washington Tree Fruit Research Commission (WTFRC) provides funds to Washington State University (WSU) to develop new varieties of apples and cherries. WTFRC has negotiated an agreement with WSU that allows WTFRC to have right of first refusal on intellectual property (IP) that is developed with WTFRC investments in WSU programs.

To utilize this agreement, the WTFRC is seeking legislation to establish a self-supporting 501(c)(3) foundation to communicate the results of trials on new varieties to Washington growers, and to protect the IP of WSU programs. This foundation is anticipated to be an independent entity with its own board of directors.

**Summary of Bill:** The Washington Tree Fruit Research Commission is authorized to:

- establish a foundation using commission funds for the purposes of this chapter;
- enter into contracts or interagency agreements with public or private entities to carry out the purposes of this chapter (and require personal service contracts to comply with chapter 39.29 RCW);

---

*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

- acquire or own intellectual property rights, licenses, patents, and to collect royalties resulting from commission-funded research;
- engage in appropriate fund-raising activities for supporting activities of the commission for authorized purposes; and
- accept and expend or retain any gift, bequest, contribution, or grant from private persons or public agencies to carry out the purposes of this chapter.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Committee/Commission/Task Force Created:** None.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: This bill allows the Tree Fruit Research Commission to form a non-profit foundation to to distribute new varieties of fruit trees to growers and to reap the benefits of their investment.

**Persons Testifying:** PRO: Jim Halstrom, Washington State Horticultural Association.