

HOUSE BILL REPORT

SB 6087

As Reported By House Committee On:

Agriculture & Ecology

Title: An act relating to the department of agriculture grants of rule-making authority.

Brief Description: Rule making by the department of agriculture.

Sponsors: Senators Rasmussen, Morton and Loveland; by request of Department of Agriculture.

Brief History:

Committee Activity:

Agriculture & Ecology: 2/8/96, 2/15/96 [DPA].

HOUSE COMMITTEE ON AGRICULTURE & ECOLOGY

Majority Report: Do pass as amended. Signed by 14 members: Representatives Chandler, Chairman; Koster, Vice Chairman; Chappell, Ranking Minority Member; Linville, Assistant Ranking Minority Member; Boldt; Clements; R. Fisher; Johnson; Mastin; Ogden; Regala; Robertson; Rust and Schoesler.

Staff: Bill Lynch (786-7092).

Background: The Legislature enacted the Regulatory Reform Act of 1995 during the last legislative session. This measure restricts agencies from adopting rules based solely on enabling provisions and/or statements of intent when implementing future statutes, but they may be used to interpret ambiguities in a statute's other provisions. Several major agencies were also prohibited from relying solely upon enabling/intent provisions to adopt rules when implementing current statutes. The Department of Agriculture is one of the major agencies prohibited from relying solely upon enabling/intent provisions when adopting rules based upon current statutes.

The Department of Agriculture has identified three areas in which a general grant of authority was used as the basis to adopt rules. These three areas pertain to requirements for farm storage tanks and bulk milk tankers, designating crops to be nonfood and/or nonfeed sites of pesticide application when these crops are grown to produce seed for crop reproduction purposes, and the issuance of permits allowing the import and movement of certain pet animals.

The Department of Agriculture does not have specific rule-making authority to establish different grades of ginseng or to regulate ginseng dealers.

Summary of Amended Bill: The Department of Agriculture is granted specific authority to adopt rules pertaining to (1) farm storage tanks and bulk milk containers; (2) the designation of crops to be nonfood and/or nonfeed sites of pesticide application when these crops are grown to produce seed for crop reproduction purposes; and (3) the issuance of permits allowing the import and movement of certain pet animals.

The Department of Agriculture is required to adopt either grades or classifications for American ginseng. The director is required to adopt rules for the registration of ginseng dealers who purchase or sell American ginseng for export. The director must also adopt rules requiring that records be maintained by these dealers. These records are exempt from public disclosure.

Amended Bill Compared to Original Bill: The original bill did not contain provisions pertaining to the regulation of ginseng and ginseng dealers.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: This gives the Department of Agriculture the authority it needs to adopt rules in these areas. Ginseng is primarily an export crop, and it is becoming more important economically. Federal law will not allow the export of ginseng without a certificate. The growers are happy to pay the fees necessary for certification.

Testimony Against: None.

Testified: Don Hoogesteger, Northwest Ginseng Growers Association; David M. Williamson, Jr., Pacific States Ginseng Association; and Mary Beth Lang, Department of Agriculture.