

HOUSE BILL REPORT

SB 6086

As Reported By House Committee On:
Agriculture & Ecology

Title: An act relating to disclosure of agricultural business and commodity commission records.

Brief Description: Disclosing agriculture business records.

Sponsors: Senators Loveland, Morton and Rasmussen; 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: Kenneth Hirst (786-7105).

Background:

Public Records. A part of the state's public disclosure laws regulates the indexing, maintenance, and disclosure to the public of records in the custody of state and local governmental entities. The records governed by these laws include certain legislative records and any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by any state or local agency. These "writings" expressly include data compilations from which information can be obtained or translated.

Each agency must make available for public inspection and copying all public records, unless the record falls within specific exemptions codified in the public disclosure laws or in other statutes.

Among the records exempted from disclosure by the disclosure laws are the financial and commercial information and records supplied by private persons pertaining to export services provided under state laws creating the state's Economic Development Finance Authority and authorizing export trading companies created by public ports.

Agricultural Marketing Programs. State law designates the Department of Agriculture as the agency of state government for the administration of state agricultural market development programs, domestic and foreign. A number of agricultural commodity commissions have been created directly by statute or indirectly under the Agricultural Enabling Acts of 1955 and 1961. Marketing promotion is a principal activity of many of the commodity commissions. The activities of many of the commissions are funded by assessments levied on the sale of the products that fall within their jurisdictions. Certain exports of agricultural commodities to other states or nations must be accompanied by phytosanitary certificates attesting to compliance with quarantine or similar requirements of the receiving state or nation.

Summary of Amended Bill: The following records are exempted from the public disclosure requirements of the state's public disclosure law:

- (1) Production or sales records required to determine assessment levels and actual assessment payments to commodity commissions or required by the Department of Agriculture regarding agricultural and vegetable seeds under the Seed Act or regarding the wholesale marketing of fruit trees, fruit tree related ornamental trees, and fruit tree rootstock.
- (2) Consignment information contained on phytosanitary certificates or on applications for phytosanitary certification required by the department.
- (3) Financial and commercial information and records supplied by persons to agricultural commodity commissions with respect to domestic or export marketing activities or individual producers' production information.
- (4) Financial and commercial information and records supplied by persons to the Department with respect to export market development projects.

The latter exemption does not apply to the release of statistical information not descriptive of any readily identifiable person or persons, nor if confidentiality is waived by the party supplying the information.

Amended Bill Compared to Original Bill: The original bill exempts from disclosure the trade information found on a phytosanitary certificate or application; in lieu of this, the amendment exempts the consignment information on the certificate or application.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: The bill appropriately exempts financial and commercial information from disclosure.

Testimony Against: None.

Testified: Senator Rasmussen; and Mike Schwisow, Washington State Potato Commission (in favor).