

SENATE BILL REPORT

SB 6086

As Passed Senate, January 15, 1996

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 & Agricultural Trade & Development: 1/9/96 [DP].
Passed Senate 1/15/96, 46-0.

SENATE COMMITTEE ON AGRICULTURE & AGRICULTURAL TRADE & DEVELOPMENT

Majority Report: Do pass.

Signed by Senators Rasmussen, Chair; Loveland, Vice Chair; A. Anderson, Bauer, Morton, Newhouse and Snyder.

Staff: Bob Lee (786-7404)

Background: Under the public records statutes, each agency is to make available for public inspection and copying all public records unless the records fall within a specified list of exemptions. Currently, among the lengthy list of exemptions are certain types of tax records, certain types of information provided by persons pertaining to export services, and various types of membership lists.

Several types of information obtained by commodity commissions and the Department of Agriculture are public records that are required to be disclosed upon request.

Summary of Bill: The following agricultural business and commodity commission records are exempt from disclosure requirements of the public records statutes:

1. **Export project information:** Financial and commercial information and records submitted by persons to the Department of Agriculture in carrying out export projects through the state agricultural market development program. This does not include general statistical information that is not readily identifiable to a specific person;
2. **Assessment information:** Production or sales records required to determine assessments by commodity commissions, or the department in carrying out the fruit tree certification program and the seed quality control program;

3. **Phytosanitary certificate information:** Trade information contained in federal and state phytosanitary certificates issued by the Department of Agriculture and those contained on applications for phytosanitary certificates; and
4. **Marketing information:** Information on domestic and export marketing activities provided by persons to commodity commissions engaged in marketing.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: This bill is needed to protect the flow of information from businesses and farmers who provide information to the Department of Agriculture and to commodity commissions relating to export and sales of products. This would be done by assuring information such as market price and identity of buyers would not be revealed to competitors. The bill also protects information that shows growers financial status. Exemptions contained in this bill are similar to exemptions granted to similar activities.

Testimony Against: When a government agency conducts inspections and gives special status to commodities, information should be available to the public to assure that proper governmental processes were followed.

Testified: Chris Cheney, WA Hop Commission (pro); Mike Schwisow, WA Potato Commission (pro); Jim Jesernig, Mary Beth Lang, Department of Agriculture (pro); Norval Johanson, WA Strawberry Commission (pro); Jim Halstrom WA State Horticulture Association (pro); Rowland Thompson, Allied Daily Newspapers; Mark Allen, WA State Association of Broadcasters (con); Tim Smith, Pacific Coast Oyster Growers Association (pro).