

ANALYSIS OF HB 1528

House Agriculture & Ecology Committee
1997

February 12,

BACKGROUND:

Commodity Boards & Commissions. Some agricultural commodity commissions, such as the Fruit Commission, Tree Fruit Research Commission, Apple Advertising Commission, Beef Commission, and Dairy Products Commission, have been created by statute. (Chapters 15.28, 15.24, 15.26, 15.44, and 16.67 RCW.)

The state's Agricultural Enabling Acts of 1955 and 1961 provide procedures under which the producers of agricultural commodities may prepare marketing agreements and orders to create, by referenda, agricultural commodity boards and commissions for the commodities without further statutory authority. (Chapters 15.65 and 15.66 RCW.) The Agricultural Enabling Act of 1961 requires a marketing order adopted under the act creating a commodity board to specify the assessment as part of the marketing order. (RCW 15.65.400.) The order may be amended only by a referendum approved by affected producers or producers and handlers or by the written agreement by the affected parties. (RCW 15.65.160.) The Dry Pea and Lentil Commodity Board and the Farmed Salmon Commodity Board are created under the 1961 Enabling Act. (Chapters 16-536 and 16-580 WAC.)

Initiative 601. Initiative 601 was approved by the voters at the November 1993 general election. Section 8 of the initiative states that no fee may increase in any fiscal year by a percentage in excess of the fiscal growth factor for that fiscal year without prior legislative approval. (RCW 43.135.055.) The fiscal growth factor for a fiscal year is the average of the sum of inflation and population change for each of the prior three fiscal years. (RCW 43.135.025(6).)

Organic Certification. The Director of Agriculture may adopt a fee schedule for recovering the full costs of the Department of Agriculture for administering an organic food program. The fees are to be deposited in the Agricultural Local Fund and used solely for carrying out the certification program. (RCW 15.86.070.)

Public Records. The public records portion of the state's public disclosure laws prohibit a public agency from requiring a fee for the public's inspection of public records. Nor may they charge a fee for locating public documents and making them available for copying. These laws permit the agencies to charge a reasonable fee for providing copies of a public record and

establish rules for what constitutes a reasonable copying fee. The costs of shipping copies of public records, including postage or delivery costs, may be recovered. (RCW 42.17.260(7) and 42.17.300.) Public records include data compilations from which information may be obtained or translated. (RCW 42.17.020(36)&(42).)

SUMMARY:

The Fruit Commission may raise its annual assessment in excess of the fiscal growth factor to \$18/2000 pounds of soft fruit other than cherries and to \$30/2000 pounds of cherries. (Section 2.)

The Dry Pea and Lentil Commodity Board may raise its annual assessment on net receipts in excess of the fiscal growth factor to a rate of two percent from one percent. The Farmed Salmon Commodity Board may raise its assessment in excess of the fiscal growth factor from 1 /pound on the first 15 million pounds produced collectively by producers to 1½ /pound on the first 10 million pounds and 1 /pound on the next 5 million pounds. (Section 1.)

These assessment limits apply only to a commission's authority to raise assessments in excess of the fiscal growth factor. Any alteration in assessments by these boards or the commission must be conducted in compliance with the procedural requirements established by current law for altering or amending assessments. (Sections 1(3) and 2(2).)

The Director of Agriculture may set a schedule of fees for the organic certification program that is, for FY 1998, in excess of the fiscal growth factor. (Section 3.) The Director may also collect, for deposit in the Agricultural Local Fund, moneys to recover reasonable costs of publishing and disseminating information in printed or electronic format. (Section 4.)

***Effective Date:** Sections 1 and 2 take effect immediately. They authorize the Fruit Commission and two commodity boards to raise assessments in excess of the fiscal growth factor. The remaining sections of the bill take effect 90 days after the session.*