

1 **ESSB 6047** - H COMM AMD TO FW COMM AMD (6047-S.E AMH FW H4981.4)
2 By Committee on Fisheries & Wildlife

3 On page 3, after line 5 of the amendment, insert:

4 "Sec. 6. RCW 15.66.010 and 1986 c 203 s 16 are each amended
5 to read as follows:

6 For the purposes of this chapter:

7 (1) "Director" means the director of agriculture of the state
8 of Washington or any qualified person or persons designated by the
9 director of agriculture to act for him concerning some matter under
10 this chapter.

11 (2) "Department" means the department of agriculture of the
12 state of Washington.

13 (3) "Marketing order" means an order issued by the director
14 pursuant to this chapter.

15 (4) "Agricultural commodity" means any animal or any
16 distinctive type of agricultural, horticultural, viticultural,
17 vegetable, and/or animal product, including, but not limited to,
18 commercially harvested salmon, products qualifying as organic food
19 products under chapter 15.86 RCW and private sector cultured
20 aquatic products as defined in RCW 15.85.020 and other fish and
21 fish products, within its natural or processed state, including
22 bees and honey and Christmas trees but not including timber or
23 timber products. The director is authorized to determine what

1 kinds, types or subtypes should be classed together as an
2 agricultural commodity for the purposes of this chapter.

3 (5) "Producer" means any person, engaged in the business of
4 producing or causing to be produced for market in commercial
5 quantities any agricultural commodity, including commercial
6 harvesters and processors of salmon harvested in the waters of the
7 state of Washington or pursuant to a commercial fishing license
8 issued by the state of Washington. For the purposes of RCW
9 15.66.060, 15.66.090, and 15.66.120, as now or hereafter amended
10 "producer" shall include bailees who contract to produce or grow
11 any agricultural product on behalf of a bailor who retains title to
12 the seed and its resulting agricultural product or the agricultural
13 product delivered for further production or increase.

14 (6) "Affected producer" means any producer of an affected
15 commodity.

16 (7) "Affected commodity" means any agricultural commodity for
17 which the director has established a list of producers pursuant to
18 RCW 15.66.060.

19 (8) "Commodity commission" or "commission" means a commission
20 formed to carry out the purposes of this chapter under a particular
21 marketing order concerning an affected commodity.

22 (9) "Unit" means a unit of volume, quantity or other measure
23 in which an agricultural commodity is commonly measured.

24 (10) "Unfair trade practice" means any practice which is
25 unlawful or prohibited under the laws of the state of Washington
26 including but not limited to Titles 15, 16 and 69 RCW and chapters

1 9.16, 19.77, 19.80, 19.84, and 19.83 RCW, or any practice, whether
2 concerning interstate or intrastate commerce that is unlawful under
3 the provisions of the act of Congress of the United States,
4 September 26, 1914, chapter 311, section 5, 38 U.S. Statutes at
5 Large 719 as amended, known as the "Federal Trade Commission Act of
6 1914", or the violation of or failure accurately to label as to
7 grades and standards in accordance with any lawfully established
8 grades or standards or labels.

9 (11) "Person" includes any individual, firm, corporation,
10 trust, association, partnership, society, or any other organization
11 of individuals.

12 (12) "Cooperative association" means any incorporated or
13 unincorporated association of producers which conforms to the
14 qualifications set out in the act of Congress of the United States,
15 Feb. 18, 1922, chapter 57, sections 1 and 2, 42 U.S. Statutes at
16 Large 388 as amended, known as the "Capper-Volstead Act" and which
17 is engaged in making collective sales or in marketing any
18 agricultural commodity or product thereof or in rendering service
19 for or advancing the interests of the producers of such commodity
20 on a nonprofit cooperative basis.

21 (13) "Member of a cooperative association" or "member" means
22 any producer of an agricultural commodity who markets his product
23 through such cooperative association and who is a voting
24 stockholder of or has a vote in the control of or is under a
25 marketing agreement with such cooperative association with respect

1 to such product."

2 "NEW SECTION. **Sec. 7.** A new section is added to chapter
3 15.66 RCW to read as follows:

4 If Washington commercial salmon producers elect under the
5 provisions of this chapter to form a commodity commission as
6 authorized under that chapter, such a commission may, if it so
7 elects, in addition to the marketing and other powers and purposes
8 granted and provided for, also engage in the following activities
9 and expend commission funds for the following purposes:

10 (1) Salmon habitat restoration and improvement under the
11 direction of the department of fisheries;

12 (2) Recovery of lost or abandoned commercial fishing nets that
13 may pose an environmental or safety hazard;

14 (3) Harvest recovery of hatchery surpluses, test fishing, and
15 other salmon production, management, improvement, and conservation
16 work under the direction of the department of fisheries;

17 (4) Providing fully or partially compensated interns or other
18 personnel to the department of fisheries for use in the
19 department's production, improvement, management, or conservation
20 of the salmon resource;

21 (5) Any other purpose that advances or benefits the Washington
22 salmon resource; and

23 (6) The solicitation and expenditure of grant funds from
24 private and governmental sources for the activities and purposes in

1 subsections (1) through (5) of this section."

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4 On page 3, line 10 of the amendment, after "insert" strike the
5 remainder of the amendment and insert: "amending RCW 75.28.040;
6 amending RCW 15.66.010; adding a new section to chapter 75.28 RCW;
7 adding a new section to chapter 15.66 RCW; and creating new
8 sections."