
SUBSTITUTE SENATE BILL 6335

State of Washington

52nd Legislature

1992 Regular Session

By Senate Committee on Environment & Natural Resources (originally sponsored by Senators Owen, Barr, Sellar, Snyder and von Reichbauer)

Read first time 02/07/92.

1 AN ACT Relating to a commercial salmon producers commodity
2 commission; amending RCW 15.66.010; adding a new section to chapter
3 15.66 RCW; and creating a new section.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** The legislature finds that the marketing
6 of salmon in the state of Washington is affected by the public interest
7 and that there is a willingness and ability on the part of the
8 commercial salmon industry to participate more fully in the production,
9 protection, improvement, and restoration of the public salmon resource.
10 The policies that justify the creation of other agricultural commodity
11 commissions as provided for in chapter 15.66 RCW apply as well to the
12 commercial salmon industry. Moreover, the particular nature of the
13 public salmon resource makes it publicly desirable that those who
14 participate in its commercial harvest be encouraged to also participate

1 in its production, protection, improvement, and restoration. Nothing
2 herein shall be construed to imply more favorable treatment by the
3 state of Washington of commercial over recreational fisheries.

4 **Sec. 2.** RCW 15.66.010 and 1986 c 203 s 16 are each amended to read
5 as follows:

6 For the purposes of this chapter:

7 (1) "Director" means the director of agriculture of the state of
8 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 state
12 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 distinctive
16 type of agricultural, horticultural, viticultural, vegetable, and/or
17 animal product, including, but not limited to, commercially harvested
18 salmon, products qualifying as organic food products under chapter
19 15.86 RCW and private sector cultured aquatic products as defined in
20 RCW 15.85.020 and other fish and fish products, within its natural or
21 processed state, including bees and honey and Christmas trees but not
22 including timber or timber products. The director is authorized to
23 determine what kinds, types or subtypes should be classed together as
24 an agricultural commodity for the purposes of this chapter.

25 (5) "Producer" means any person engaged in the business of
26 producing or causing to be produced for market in commercial quantities
27 any agricultural commodity, including commercial harvesters and
28 processors of salmon harvested in the waters of the state of Washington
29 or pursuant to a commercial fishing license issued by the state of

1 Washington. For the purposes of RCW 15.66.060, 15.66.090, and
2 15.66.120, as now or hereafter amended "producer" shall include bailees
3 who contract to produce or grow any agricultural product on behalf of
4 a bailor who retains title to the seed and its resulting agricultural
5 product or the agricultural product delivered for further production or
6 increase.

7 (6) "Affected producer" means any producer of an affected
8 commodity.

9 (7) "Affected commodity" means any agricultural commodity for which
10 the director has established a list of producers pursuant to RCW
11 15.66.060.

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

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

17 (10) "Unfair trade practice" means any practice which is unlawful
18 or prohibited under the laws of the state of Washington including but
19 not limited to Titles 15, 16 and 69 RCW and chapters 9.16, 19.77,
20 19.80, 19.84, and 19.83 RCW, or any practice, whether concerning
21 interstate or intrastate commerce that is unlawful under the provisions
22 of the act of Congress of the United States, September 26, 1914,
23 chapter 311, section 5, 38 U.S. Statutes at Large 719 as amended, known
24 as the "Federal Trade Commission Act of 1914", or the violation of or
25 failure accurately to label as to grades and standards in accordance
26 with any lawfully established grades or standards or labels.

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

1 (12) "Cooperative association" means any incorporated or
2 unincorporated association of producers which conforms to the
3 qualifications set out in the act of Congress of the United States,
4 Feb. 18, 1922, chapter 57, sections 1 and 2, 42 U.S. Statutes at Large
5 388 as amended, known as the "Capper-Volstead Act" and which is engaged
6 in making collective sales or in marketing any agricultural commodity
7 or product thereof or in rendering service for or advancing the
8 interests of the producers of such commodity on a nonprofit cooperative
9 basis.

10 (13) "Member of a cooperative association" or "member" means any
11 producer of an agricultural commodity who markets his product through
12 such cooperative association and who is a voting stockholder of or has
13 a vote in the control of or is under a marketing agreement with such
14 cooperative association with respect to such product.

15 NEW SECTION. **Sec. 3.** A new section is added to chapter 15.66 RCW
16 to read as follows:

17 If Washington commercial salmon producers elect under the
18 provisions of this chapter to form a commodity commission as authorized
19 under that chapter, such a commission may, if it so elects, in addition
20 to the marketing and other powers and purposes granted and provided
21 for, also engage in the following activities and expend commission
22 funds for the following purposes:

23 (1) Salmon habitat restoration and improvement under the direction
24 of the department of fisheries;

25 (2) Recovery of lost or abandoned commercial fishing net that may
26 pose an environmental or safety hazard;

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

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

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

7 (6) The solicitation and expenditure of grant funds from private
8 and governmental sources for the activities and purposes in subsections
9 (1) through (5) of this section.