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SENATE BILL 6335

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State of Washington

52nd Legislature

1992 Regular Session

By Senators Owen, Barr, Sellar, Snyder and von Reichbauer

Read first time 01/27/92. Referred to Committee on Environment & Natural Resources.

1 AN ACT Relating to a commercial salmon producers commodity  
2 commission; amending RCW 15.66.010; adding a new section to Title 75  
3 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 commercially caught and delivered salmon in the state of Washington  
7 is affected by the public interest and that there is a willingness and  
8 ability on the part of the commercial salmon industry to participate  
9 more fully in the production, protection, improvement, and restoration  
10 of the public salmon resource. The policies that justify the creation  
11 of other agricultural commodity commissions as provided for in chapter  
12 15.66 RCW apply as well to the commercial salmon industry. Moreover,  
13 the particular nature of the public salmon resource makes it publicly  
14 desirable that those who participate in its commercial harvest be

1 encouraged to also participate in its production, protection,  
2 improvement, and restoration.

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

5       For the purposes of this chapter:

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

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

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

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

24       (5) "Producer" means any person, including commercial harvesters of  
25 slamon and processors of commercially harvested salmon, engaged in the  
26 business of producing or causing to be produced for market in  
27 commercial quantities any agricultural commodity. For the purposes of  
28 RCW 15.66.060, 15.66.090, and 15.66.120, as now or hereafter amended  
29 "producer" shall include bailees who contract to produce or grow any

1 agricultural product on behalf of a bailor who retains title to the  
2 seed and its resulting agricultural product or the agricultural product  
3 delivered for further production or increase.

4 (6) "Affected producer" means any producer of an affected  
5 commodity.

6 (7) "Affected commodity" means any agricultural commodity for which  
7 the director has established a list of producers pursuant to RCW  
8 15.66.060.

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

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

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

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

27 (12) "Cooperative association" means any incorporated or  
28 unincorporated association of producers which conforms to the  
29 qualifications set out in the act of Congress of the United States,  
30 Feb. 18, 1922, chapter 57, sections 1 and 2, 42 U.S. Statutes at Large

1 388 as amended, known as the "Capper-Volstead Act" and which is engaged  
2 in making collective sales or in marketing any agricultural commodity  
3 or product thereof or in rendering service for or advancing the  
4 interests of the producers of such commodity on a nonprofit cooperative  
5 basis.

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

11 NEW SECTION. **Sec. 3.** A new section is added to Title 75 RCW to  
12 read as follows:

13 If Washington commercial salmon producers elect under the  
14 provisions of chapter 15.66 RCW to form a commodity commission as  
15 authorized under that chapter, such a commission may, if it so elects,  
16 in addition to the marketing and other powers and purposes granted and  
17 provided for, also engage in the following activities and expend  
18 commission funds for the following purposes:

19 (1) Salmon habitat restoration and improvement under the direction  
20 of the department of fisheries;

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

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

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

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

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