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480

SENATE RESOURCES COMMITTEE
LEGISLATION CHECKLIST

IDENTIFICATION:

BILL NUMBER: *SB 480*

BILL NAME: *Establishing commodity marketing commissions*

SPONSOR(S): *Kerttula*

RELATED BILLS PENDING:

DATE INTRODUCED: *2/13/84*

REFERRALS: *Resources*

INITIAL RESEARCH:

BILL SUMMARY COMPLETED:

SUMMARY BY LEGAL DIVISION:

SPONSOR CONTACTED FOR
BACKUP MATERIALS:

DEPT. OF LAW SUMMARY:

FISCAL NOTE:

AGENCY RESPONSE:

OTHER INTERESTED SENATORS OR
REPS. NOTIFIED:

BACKGROUND RESEARCH:

SIMILAR BILLS INTRODUCED IN PREVIOUS LEGISLATURES:

RESPONSES FROM INTERESTED PERSONS/GROUPS:

OTHER STATE OR FEDERAL PRECEDENTS, REGULATIONS, LAWS:

HEARING PREPARATION:

CHAIRMAN BRIEFED:

DATE AND PLACE SET:

STAFF MEMO TO COMMITTEE:

TELECONFERENCE:

BACKGROUND MATERIAL DISTRIBUTED:

PSA/PRESS RELEASE:

LIST OF WITNESSES:

SUGGESTED AMENDMENTS/COMMITTEE
SUBSTITUTES DRAFTED:

*Harold Barton - will testify
Richard Ransley - will testify
Don Brown - contacted
Ed Kern - contacted*

Title Change

TO: Bettye
FROM: Sandra
DATE: April 25, 1984

CSHB 480 (Res) RESPONSIBILITIES OF THE COMMISSIONER OF DNR.

SPONSOR: KERTTU'LA

Resources Comm

GENERALLY: WOULD AUTHORIZE THE COMMISSIONER OF D.N.R. TO ASSIST IN THE ESTABLISHMENT OF COMMODITY MARKETING ASSOCIATIONS AND MAKE MATCHING GRANTS TO THESE ASSOCIATIONS.

IT IS ENVISIONED THAT THE DIV. OF AG. WOULD HOLD A REFERENDUM ON WHETHER OR NOT TO ESTABLISH A COMMODITY COMMISSION INVOLVING ALL PRODUCERS OF THE PARTICULAR COMMODITY (POTATOES, DAIRY PRODUCTS, VEGETABLES, ETC.). IF A MAJORITY VOTE IN FAVOR IS ACHIEVED THE COMMISSION WOULD BE ESTABLISHED AND A BOARD ELECTED. THE PRODUCERS WOULD PAY A FEE ON THE SELLING PRICE OF THE COMMODITY; THE FUNDS WOULD BE USED TO FURTHER THE MARKET DEVELOPMENT POTENTIAL FOR PRODUCTS THROUGH EDUCATION, RESEARCH, AND PROMOTION.

RESOURCES C.S. INCORPORATES AN AMENDMENT PROPOSED BY D.N.R. (PAGE 2,

LINE 4) THAT CLARIFIES ITS INSPECTION AUTHORITY OVER SHELL EGGS.

THIS REQUIRES A TITLE CHANGE.

(SINCE 1960 DIV. AG. HAS DONE EGG GRADING AND INSPECTION. IN 1980 SOME INSPECTION FUNCTIONS CARRIED OUT BY DNR WERE TRANSFERRED TO D.E.C. EGG GRADING AND INSPECTION WAS LEFT IN DNR, AND POULTRY INSPECTION WAS TRANSFERRED TO D.E.C. BECAUSE DEC AUTHORITY REFERENCES "DERIVATIVE FOOD PRODUCTS", A.G. ADVISED THAT D.N.R. MUST CLARIFY ITS AUTHORITY WITH RESPECT TO SHELL EGGS.)

Offered: 3/28/84
Referred: Rules

Original sponsor: Kerttula

1 IN THE SENATE BY THE RESOURCES COMMITTEE
2 CS FOR SENATE BILL NO. 480 (Resources)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 THIRTEENTH LEGISLATURE - SECOND SESSION
5 A BILL
6 For an Act entitled: "An Act relating to the responsibilities of the
7 commissioner of natural resources; and providing for
8 an effective date."
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:
10 * Section 1. AS 03.05.010(a) is amended to read:
11 (a) The commissioner of natural resources shall
12 (1) direct, administer, and supervise promotional and
13 experimental work, extension services, and agricultural projects for
14 the purpose of promoting and developing the agricultural industry
15 within the state including such fields as horticulture, dairying,
16 cattle raising, fur farming, grain production, vegetable production,
17 and development of other agricultural products;
18 (2) procure and preserve all information pertaining to the
19 development of the agricultural industry and disseminate that informa-
20 tion to the public;
21 (3) assist prospective settlers and others desiring to
22 engage in the agricultural industry in the state with information
23 concerning areas suitable for agriculture and other activities and
24 programs essential to the development of the agricultural industry in
25 the state;
26 (4) review the marketing, financing, and development of
27 agricultural products inside the state including transportation, with
28 special emphasis upon local production, and negotiate for the market-
29 ing of agricultural products of the state with federal and state

Added in
Resources C.S.

1 agencies operating in the state; [AND]

2 (5) regulate and control the entry into the state and the
3 transportation, sale or use inside the state of plants, seeds, vegeta-
4 bles, fruits and berries, nursery stock, shell eggs, animal feeds,
5 remedies and mineral supplements, fertilizers, and agricultural chemi-
6 cals in order to prevent the spread of pests, diseases, or toxic
7 substances injurious to the public interest, and to protect the agri-
8 cultural industry against fraud, deception and misrepresentation; in
9 this connection the commissioner may require registration, inspection,
10 and testing, and establish procedures and fees; and

11 (6) assist in the establishment of commodity marketing
12 commissions, make matching grants to commodity marketing commissions
13 to aid in their establishment, and adopt regulations to implement this
14 paragraph.

15 * Sec. 2. This Act takes effect July 1, 1984.

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

BILL SHEFFIELD, GOVERNOR

POUCH M
JUNEAU, ALASKA 99811
PHONE: 907-465-2400

DNR Amendment

February 27, 1984

The Honorable Bettye Fahrenkamp
Chairman
Senate Resources Committee
Pouch V
Juneau, Alaska 99811

Dear Senator Fahrenkamp:

I understand that SB 480 has been referred to the Senate Resources Committee, although a hearing has not been scheduled.

The department requests, with the approval of the sponsor, your consideration of an amendment to that bill as follows:

Section 1. AS 03.05.010(a)(5) regulate and control the entry into the state and the transportation, sale or use inside the state of plants, seeds, vegetables, fruits and berries, nursery stock, shell eggs, animal feeds, remedies and mineral supplements, etc.

Since 1960 the Division of Agriculture has been actively involved in egg grading and inspection under regulations at 11 AAC 32.100-190 authorized by AS 03.05.010-080. In 1980, pursuant to Executive Order 51, some inspection functions carried out by the Department of Natural Resources were transferred to the Department of Environmental Conservation. Egg grading and inspection was left in DNR, and poultry inspection was transferred to DEC.

Recently the department sought to revise the egg regulations and we were advised by the Attorney General's office that because the DEC authority [AS 38.05.020(a)(1)] references poultry "derivative food products," we must clarify our authority with respect to shell eggs.

The Honorable
Bettye Fahrenkamp


-2-

February 27, 1984

There is no conflict between the two departments on this issue. DEC agrees that this function should continue to be carried out by DNR.

We would appreciate your assistance in this matter, and we are prepared to answer any questions precipitated by our request.

Sincerely,


Esther C. Wunnicke
Commissioner

cc: Bill Heim, Director
Division of Agriculture

STATE OF ALASKA 1984 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST
Bill/Resolution No.: SB 480
Title: commodity marketing
commissions
Sponsor: Kerttula
Requestor: _____
Date of Request: _____

FISCAL DETAIL
Agency Affected: Natural Resources
Program Category Affected: Agriculture management
BRU, Program or Subprogram(s) Affected: Agriculture management

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING		-0-	-0-	-0-	-0-	-0-
CAPITAL		-0-	-0-	-0-	-0-	-0-
REVENUE		-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL		-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME		-0-	-0-	-0-	-0-	-0-
PART-TIME						
TEMPORARY						

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

NOTE: Funding for this program is included in the Governor's FY 85 budget (\$10.0).

ANALYSIS: Attach a separate page for analysis

Prepared By: Sharon L. Barton Phone: 465-2400
Division: Commissioner's Office Date: 3-20-84

Approved by Commissioner: James D. Arnold, Deputy Date: 3-20-84
Agency: Department of Natural Resources

Distribution (by Agency preparing fiscal note):

Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

12/1/83



Official Business

Alaska State Legislature

Senate

Office of the President

Pouch V
State Capitol
Juneau, Alaska 99811

MEMORANDUM

TO: Senate Resources Committee
Senator Bettye Fahrenkamp, Chair

FROM: Senator Jay Kerttula
Senate President *Jay Kerttula*

SUBJECT: Senate Bill 480: Justification

DATE: March 20, 1984

Senate Bill 480, regarding the establishment of commodity marketing commissions with the assistance of the Division of Agriculture in the Department of Natural Resources, is intended as a "self help" institution whereby Alaska agricultural producers can organize to more effectively promote the use of their products.

The primary purpose of the commission is to further the market development potential for agricultural commodities by efforts in education, research and promotion. These market development efforts are carried out by the use of assessments collected from commodity producers.

It is envisioned that the Division of Agriculture would hold a referendum on whether to establish a commodity commission involving all producers of the particular commodity (e.g. dairy products, potatoes, vegetables, etc.). If a majority vote in favor is achieved the commission would be established and a board elected.

Commodity commissions fund marketing research and education efforts by assessing a fee on the selling price of the commodity. This fee would be paid by the producers and would not effect the retail price paid for the commodity. It would also be voluntary. If a producer wishes not to participate - his/her check off or assessment would be

Senator Jay Kerttula

Senate Bill 480: justification

March 20, 1984

Page 2

refunded. Obviously, consistent support is necessary if the commissioner is to succeed. If many producers envision a free ride by the program and choose not to participate, the program will fail.

The fund established by the assessment will be matched by the Department of Natural Resources. The Department of Natural Resources has designated \$10,000 in FY 85 for matching funds for commodity commissions.

The commission will expend monies in research projects aimed at enhancing production, educational efforts to increase quality of products and marketing campaigns to educate the public on the attractiveness of Alaska grown produce.

Commodity marketing commissions are nothing new to the agriculture industry in the United States. A recent survey of state commodity commissions (attached) indicates 41 states have commissions and six do not. They range in number from one to twenty-one per state. 248 commodity commissions represent 60 general classes of commodities. 97% of all commissions are established as a result of legislative action.

Alaska State Legislature

BETTYE FAHRENKAMP, Chairman
ROBERT H. ZIEGLER, SR., Vice Chairman
DICK ELIASON
PAUL FISCHER
VIC FISCHER
BOB MULCAHY
ARLISS STURGULEWSKI



POUCH V
STATE CAPITAL
JUNEAU, ALASKA 99811
(907) 465-3834
(907) 465-3835

Senate Committee on Resources

MINUTES

March 26, 1984
3:04 pm

Beltz Room
Room 211, Capitcl

MEMBERS PRESENT

Senator Fahrenkamp, Chairman
Senator Ziegler, Vice Chairman
Senator Eliason
Senator Paul Fischer
Senator Vic Fischer
Senator Mulcahy
Senator Sturgulewski

CALENDAR

SB 366, An Act relating to protection of forested land.

SB 480, An Act relating to the establishment of certain commodity marketing commissions.

SB 461, An Act relating to the management and use of water in mining; and providing for an effective date.

SB 462, An Act making a special appropriation to the Mining Water Use Board for loans and grants concerned with the management and use of water in mining; and providing for an effective date.

SB 366

Sandra Schubert, Aide to Senator Fahrenkamp, explained that the Committee Substitute leaves fire suppression responsibility with the State, and clarifies which lands the State must protect and how much protection must be provided.

Senator Mulcahy moved to adopt the Committee Substitute for SB 366. There was no objection.

Carole Wilson, Special Assistant to the Commissioner of the Department of Natural Resources, testified that the Department supported the Committee Substitute.

Senator Sturgulewski moved CS SB 366 from committee with individual recommendations. There was no objection.

SB 480

Richard Ramsey, Aide to Senator Kerttula, explained that commodity marketing commissions, common in the lower 48, are intended to function as self-help institutions to further agricultural potential through marketing research, education, and promotion.

Sharon Barton, Special Assistant to the Commissioner of the Department of Natural Resources, testified that the Department supported the bill as an important step for Alaskan farmers. The Department would be involved in the organization of the commissions but not in their ongoing operations. She proposed an amendment that would clarify that DNR would perform "shell egg" inspections.

Senator Mulcany moved to adopt DNR's proposed amendment and to move CS SB 480 from Committee. There was no objection.

SB 461

SB 462

Jim Palmer, Aide to Senator Fahrenkamp, explained that these bills would set up a program for researching the problems of placer mining and the pollution of streams. He spoke in support of the Department of Natural Resources' proposed amendments.

Pedro Denton, Division of Mining, Department of Natural Resources, spoke in support of the bill as the programs will provide a source of needed information for making management decisions. He offered specific amendments to clarify the intent of the bill.

Senator Vic Fischer suggested language be added to the Committee Substitute that would clarify that the intent of the innovative gold recovery grant program is to reduce water usage and pollution.

Randy Bayliss, Water Quality Section, Department of Environmental Conservation spoke in support of the bills urging the development of new methods and procedures for gold recovery as the best long range solution to placer mining problems.

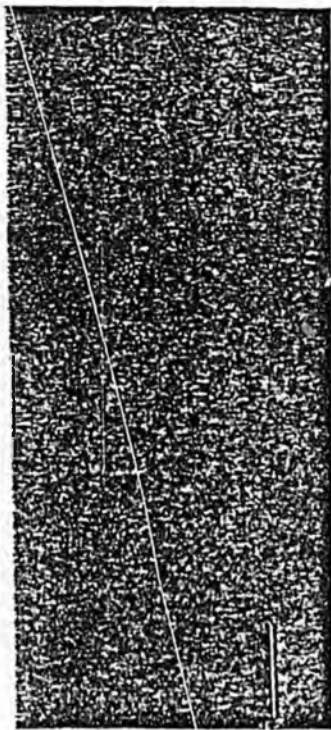
Phil Holdsworth, Alaska Miners Association, spoke in support of the bills, and the need for more data from miners on new recovery techniques.

Senator Ziegler moved to adopt the added language suggested by Senator Vic Fischer. There was no objection.

Senator Sturgulewski moved to adopt the amendments proposed by the Department of Natural Resources. There was no objection.

Senator Ziegler moved CS SB 461 and SB 462 from Committee with individual recommendations. There was no objection.

The meeting adjourned at 4:04 pm.



§ 03.0

Sec. 03.05.010. Powers and duties of commissioner of natural resources. (a) The commissioner of natural resources shall

(1) direct, administer, and supervise promotional and experimental work, extension services, and agricultural projects for the purpose of promoting and developing the agricultural industry within the state including such fields as horticulture, dairying, cattle raising, fur farming, grain production, vegetable production, and development of other agricultural products;

(2) procure and preserve all information pertaining to the development of the agricultural industry and disseminate that information to the public;

(3) assist prospective settlers and others desiring to engage in the agricultural industry in the state with information concerning areas suitable for agriculture and other activities and programs essential to the development of the agricultural industry in the state;

(4) review the marketing, financing, and development of agricultural products inside the state including transportation, with special emphasis upon local production, and negotiate for the marketing of agricultural products of the state with federal and state agencies operating in the state; and

(5) regulate and control the entry into the state and the transportation, sale or use inside the state of plants, seeds, vegetables, fruits and berries, nursery stock, animal feeds, remedies and mineral supplements, fertilizers, and agricultural chemicals in order to prevent the spread of pests, diseases, or toxic substances injurious to the public interest, and to protect the agricultural industry against fraud, deception and misrepresentation; in this connection the commissioner may require registration, inspection, and testing, and establish procedures and fees.

shell eggs

(b) To carry out the requirements of this title, the commissioner of natural resources may issue orders, regulations, quarantines, and embargoes relating to

(1) examination and inspection of premises containing products, articles, and commodities carrying pests;

(2) establishment of quarantines for eradication of pests;

(3) establishment of standards and labeling requirements pertaining to the sale of agricultural and vegetable seeds;

(4) tests and analyses which may be made and hearings which may be held to determine whether the commissioner will issue a stop order or quarantine;

(5) cooperation with federal and other state agencies. (§ 33-1-2 ACLA 1949; am § 1 ch 46 SLA 1960; am § 1 ch 82 SLA 1974; am §§ 3, 4 ch 133 SLA 1974; am § 1 ch 58 SLA 1978; am Executive Order No. 51, § 2 (1981); am § 1 ch 57 SLA 1982)

§ 544; 119 ALR

farm products
25 ALR 1115;
7 ALR 405; 98

of livestock
58, 862.

instruction of
marketing Act, 92

milk price dif-

§ 2d 712.

tion of federal
commodities Act,

nuisance, 64

member
cooperative for
§ 1243.

of natural
resources

experimental
purpose of
the state

Revisor's notes. — As amended in 1981, this section contained a subsection (c). In 1983 the provisions of (c) were transferred and renumbered as a new section, AS 03.05.011.

Effect of amendments. — The 1981 amendment rewrote this section.

Opinions of attorney general. — The

Natural Resources' jurisdiction over importation of animals is, with the possible exception of rabid animals and animals diseased with livestock diseases listed in AS 03.45.030, limited to domestic animals and poultry, and does not extend to live feral animals, whether indigenous to the State of Alaska or not. August 29,

TO: Sandra
FM: Edie
RE: SB 480 - Establishing commodity marketing commissions
DT: 3/20/84

SB 480 amends Section 03.05.010 (Powers & Duties of the Commissioner of Natural Resources) by requiring that the Department assist the various commodity producers (producers of red meat, pork, dairy, potatoe, beekeepers, etc) in establishing their own commodity marketing commissions. (Commissions are very similar to co-ops)

The purpose of these commissions is to have the producers work to develop and expand their own markets. The producers rely very heavily on the State to develop their markets and promote their products. DNR would like to help the producers help themselves, not by establishing the commodity commissions by statute, but by providing matching funds by statute as an incentive for producers to establish their own commissions and by doing so expand their markets, and promote their products as independently as possible. The key here is that the commissions are being formed by individuals, not through legislative action.

The matching funds will be used for setting up the commission, advertising of products, providing educational programs, and developing "point of sale" promotional material. DNR has included funding for an additional person in the Division of Agriculture to work parttime as a red meat specialist and the remainder of the time working with the commodity commissions. In addition, DNR has \$10,000 in their '85 budget to be used as matching fund monies for this program. The Fiscal Note on the House version is zero. However, the House has removed the new position from DNR's budget, so this may have to be taken into consideration by the Committee.

Mary Bixby - Commissioner's sec'y
Sharon Barton will testify at Friday's meeting. She will have the new fiscal note to us by Tuesday evening. If not, I'll call her first thing Wednesday morning. *Ed Jaguar*

Richard Ramsey provided a statement on the bill and a copy of a report that was done for the State of Virginia on State Agricultural Commodity Commissions. Richard will be testifying on Friday.

Most of the information I received came from Dean Brown and Ed Kern (Director of the Marketing Development Section, Division of Agriculture).

Alaska State Legislature

BETTYE FAHRENKAMP, Chairman
ROBERT H. ZIEGLER, SR., Vice Chairman
DICK ELIASON
PAUL FISCHER
VIC FISCHER
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Senate

Committee on Resources

March 21, 1984

On Friday, March 23 at 3:00 pm in the Beltz Room, the Senate Resources Committee will hear the following bills:

SB 366 AN ACT RELATING TO PROTECTION OF FORESTED LAND.

This bill received a preliminary hearing by the Resources Committee on March 5, 1984. As originally drafted, the bill would have placed the primary responsibility for suppressing fires on forested land located within a tax-supported fire service area on the municipality. Concern over this provision was expressed by the Alaska Municipal League at the committee hearing. The attached Committee Substitute is the result of meetings between the Department, the Municipal League, the local Fire Chiefs Association, and Committee staff.

1. Fire suppression responsibility remains with the State.
2. Clarifies that the State need not protect all land in the state, but only land that is owned privately, by the state, or by a municipality.
3. Clarifies that the protection provided by the State is to be commensurate with the value of the resources at risk.

SB 480 AN ACT RELATING TO THE ESTABLISHMENT OF CERTAIN COMMODITY MARKETING COMMISSIONS.

SB 480 would authorize the Commissioner of the Department of Natural Resources to assist in the establishment of commodity marketing associations and make matching grants to these associations. Through an assessment collected from commodity producers and matching funds, the commission could further the market development potential for products through education, research, and promotion. DNR has designated \$10,000 in its FY 85 budget for matching funds to commodity commissions.

The Department will propose an amendment to the bill (copy attached) to clarify its inspection authority over shell eggs.

Report on Study of State Agricultural
Commodity Commissions

Prepared for

S. Mason Carbaugh
Commissioner

Virginia Department of Agriculture and Consumer Services

July 14, 1983

Report on Study of State Agricultural
Commodity Commissions

I. Introduction

During the 1983 session of the Virginia General Assembly, certain legislators raised questions as to the operations of commodity commissions in other states. As a result of these questions; the department decided to conduct a survey. A survey instrument was developed and mailed to 49 State Departments of Agriculture. The purpose of this survey was to obtain essential information on the establishment, purpose, and operational procedures of commodity commissions in other states so that similiar comparisons could be made to the commodity commissions in Virginia. Forty-seven of the forty-nine states returned completed survey instruments. A copy of the survey instrument is attached as Appendix 1.

Major Findings of State Survey

This section reflects a comparative analysis of Virginia's commodity commissions with those states who returned a completed survey instrument (47 of 49 states or 96%). Six states reported no commissions and forty-one states had commissions. The range of commission numbers in the forty-one states ranged from one to twenty-one, with the mean number being approximately eleven. There was a total of 248 commodity commissions representing 60 general classes of commodities. A commodity class in this study refers to a specific commodity, but includes many varieties of that commodity, e.g., flue-cured tobacco, sun-cured, burley, etc. The study revealed that Virginia was not unique in having commissions. Virginia is also not unique in types of services provided by the State Departments of Agriculture, the ways in which commissions were established within the state, and/or in the general management, administration and purposes of commissions.

All of the nine commodity commissions in Virginia were established as a result of legislative action, either directly by law or through enabling legislation authorizing commissions to conduct referendums. The establishment procedure in Virginia is almost identical to procedures used in other states since 97 percent of all commissions in other states were established as a result of legislative action.

It was found that the primary purpose of all commissions, in all states, is to further the market development potential for respective commodities by efforts in education, research and promotion. These market development efforts are carried out by the use of assessments collected from commodity producers. The type of direct services supplied by State Departments of Agriculture tended to reflect a degree of uniformity throughout.

In the area of general management services, the Virginia Department of Agriculture and Consumer Services has the responsibility to: a) ensure that all commissions operate in accordance with state rules and regulations; b) serve in a liaison capacity between commodity commissions on matters relating to general operations of the commissions; and, c) ensure that all commissions receive relevant policies and directives (and respond when necessary) from the Executive and Legislative Branches. This management responsibility of the Virginia Department of Agriculture and Consumer Services is very similar to the general management responsibilities of State Departments of Agriculture in other states.

Table 1 contains general information on commissions in Virginia compared with other states. Table 2 contains general operational and administrative information on Virginia's nine commissions with the corresponding commissions in other states. Table 3 shows by state, for each commodity commission, the ratios of funding to production value of individual commodities and the rank order by states. Example:

Apples -- (16 states with commissions)

- The range in money collected per million dollars of production value for 1982 was \$119 for the State of Utah to \$12,777 for the State of Washington. Virginia collected \$5,753.
- Virginia ranked 5th in money collected for apples.

II. Results of State Survey

Number of Commissions

A survey form was mailed to the 49 State Departments of Agriculture outside of Virginia and responses were received from 47 states. Only one commission is thought to be operating in one of the nonresponding states. Responses included a total of 248 commodity commissions, with the number per state ranging from 0 commissions in 6 states to 21 commissions in Oregon. Virginia has 9 commodity commissions organized for purposes of promotion, education and research. In the U.S., there are 60 general classes of commodities represented by commissions (a "class" is defined as including all types of tobacco, all types of cherries, etc.).

Commission Types

Virginia has a commission to serve each of the following industries: apple, pork, peanut, soybean, corn, egg, bright flue-cured tobacco, dark fire-cured tobacco and sweet potatoes. The number of other states that reported having commissions for those industries are: apple 15; pork 11; peanut 7; soybean 20; corn 6; egg 9; tobacco 4; and sweet potatoes 3.

Establishment of Commissions

As previously stated, all of the commodity commissions in the Commonwealth of Virginia were established as a result of legislative action, either directly by law (5 commissions) or through enabling legislation (4 commissions) which authorized producer referendums to be conducted. According to the survey, 97 percent of the reported commodity commissions nationwide were established through legislative action either directly by law (25 percent) or through enabling legislation which authorized a referendum (72 percent).

Commission Establishment Procedures

Based on survey responses, 79 percent of the commissions nationwide were formed through procedures administered by state personnel. Personnel of State Departments of Agriculture administered the procedures for 66 percent of the commissions and 13 percent were administered by state legislative authorities.

The establishment procedures for the other 21 percent were administered by commodity groups.

Member Appointment

In Virginia, the governor appoints the members to 8 of the 9 commodity commissions. For the apple commission, commission members are elected by producers and then appointed by the commissioner. According to the survey, the percentages of commissions nationwide that utilize the different sources of member appointment are as follows:

Producer-elected	35%
Governor	30%
Commissioner of Agriculture	25%
Commodity Commission	10%
	<u>100%</u>

Assessments and Refunds

All of Virginia's commodity commissions utilize a mandatory assessment on the respective commodities. Survey responses showed that 94 percent of the other commodity commissions nationwide employ a mandatory assessment. Virginia farmers cannot request a refund from any of the nine commissions. According to the survey, 52 percent of the commodity commissions throughout the United States refund an assessment on request.

Assessment Collectors

Only the Virginia Apple Commission collects its own assessments while the assessments for the other 8 commissions are collected by processors, first-line handlers or buyers. The assessments for 5 commissions are reported to the Virginia Tax Department. The assessments for the other 3 are reported to the Virginia Department of Agriculture and Consumer Services. All assessments are then forwarded to the State Treasury for the account of each commission. According to the survey, 48 percent of the commodity commissions collect their own assessments, 25 percent of the commissions have their assessments collected by first-line handlers, buyers or processors, 22 percent of the assessments are collected by the State Departments of Agriculture, and 5 percent of the commissions have their state treasuries or departments of taxation collect the fees.

S. Mason Carbaugh
Commissioner
Virginia Department of Agriculture and Consumer Services
P.O. Box 1163
Richmond, VA 23209

4/6/83

SURVEY OF STATE AGRICULTURAL COMMODITY COMMISSIONS (CHECK-OFF PROGRAMS) FOR STATE OF _____

1. Does your state have agricultural commodity commissions or similar entities? Yes No
If no, please do not continue further with this survey.
If yes, please continue with the survey.

2. Complete the following table by listing the commissions that exist in your state, along with additional information contained in the columns.

Name of Commodity Commission	Year Established	How Established		Who Appoints Members to the Commission	Assessment (Excise Tax Rate) Rate per Unit		Mandatory Assessment (Circle)	Who Collects Assessment	Total Funds Collected From Assessments in 1982	If Mandatory, Can Farmers Request A Refund (Circle)		Does the Commission Receive Any State Funds (Circle)	
		State Law	Voluntary		Rate	Unit				Yes	No	Yes	No
1.							Yes No			Yes No	Yes No		
2.							Yes No			Yes No	Yes No		
3.							Yes No			Yes No	Yes No		
4.							Yes No			Yes No	Yes No		
5.							Yes No			Yes No	Yes No		
6.							Yes No			Yes No	Yes No		
7.							Yes No			Yes No	Yes No		
8.							Yes No			Yes No	Yes No		
9.							Yes No			Yes No	Yes No		
10.							Yes No			Yes No	Yes No		

Please continue on other side.

- 8 -

ATTACHMENT 1

Table 1. General Information on Commissions, Virginia and Other States

COMMISSION AGE (In Years)	<u>VIRGINIA</u>	<u>AVERAGE, OTHER STATES</u>
Average Age	20	19
MEMBER APPOINTMENT	<u>VIRGINIA</u>	<u>TOTAL, OTHER STATES</u>
	Percent	Percent
Producer Elected	11	45
Appointed by the Governor	89	30
Appointed by Commissioner of Agriculture	--	25
REFUND OF ASSESSMENTS	<u>VIRGINIA</u>	<u>TOTAL, OTHER STATES</u>
Percent of Commissions having Mandatory Assessments	100	94
Percent of Commissions with Assessment Refund on Request	0	52
ASSESSMENT COLLECTIONS	<u>VIRGINIA</u>	<u>TOTAL, OTHER STATES</u>
	Percent	Percent
Collected by Commission	11	48
Processors or First Time Users	89	25
State Dept. of Agriculture	--	22
State Treasury	--	5
AMOUNT OF ASSESSMENTS COLLECTED	<u>VIRGINIA</u>	<u>TOTAL, OTHER STATES</u> (Excluding Dairy & Citrus)
State Total Collected FY82	\$854,441	\$58,936,297
Average Per Commission	96,049	293,215

Amount of Assessments Collected

Virginia's 9 commodity commissions collected \$864,441 in assessments in fiscal year 1982. In other states that reported figures of assessment collections, excluding dairy and citrus, a total of \$58,936,297 was collected.

Assessment expenditures

Virginia's commodity commissions use the assessments they collect for the three major purposes of education, research and promotion. Survey responses as to how assessments are used by other commissions were grouped into the categories below. Responses occurred in the proportions shown:

Research .	86%
Promotion	81%
Education	68%
Market Development	27%
Other	19%

General Management Support Supplied by Department of Agriculture

In Virginia, the Department of Agriculture and Consumer Services has the responsibility to ensure that all commissions operate in accordance with applicable state rules and regulations. The Department also serves as a liaison between commodity commissions on all matters relating to their general management. Each commission, by state law, is "... created with the Virginia Department of Agriculture and Consumer Services..." The management services reported in the survey as being rendered by State Departments of Agriculture were sorted into the following categories, in the proportions shown:

General, miscellaneous management	22%
Financial management	24%
Ex Officio members	16%
No management	8%
	<hr/>
	100%

State Funding

The Virginia Pork Industry Commission is the only commission in Virginia that is currently receiving state funding. However, this funding will be withdrawn effective June 30, 1984. Survey results indicated that 97 percent of the commodity commissions nationwide are self-supporting through producer assessments. Only 3 percent of all commissions receive state financial support.

Services Supplied by Departments of Agriculture

The Virginia Department of Agriculture and Consumer Services provides the Virginia commodity commissions with different services. Some of these services include: accounting, budgeting, secretarial/clerical support, referendum assistance, tax collection, record keeping, and personnel services. Not all of the commissions receive each of these services. For example, two commissions employ full time staffs to provide their administrative, promotion, publicity, etc. requirements. Recognizing that there is considerable overlap between the 13 categories shown below, responses of services received by commissions from State Departments of Agriculture were classified as reported. They are ranked starting with the most frequently mentioned service listed first.

- | | |
|----------------------|---------------------|
| 1. Accounting | 8. Legal advice |
| 2. Fee collection | 9. Budgeting |
| 3. Secretarial | 10. Office space |
| 4. Advice/assistance | 11. Referendums |
| 5. Personnel | 12. Data processing |
| 6. Administrative | 13. Equipment |
| 7. Record keeping | |

Overview of Assessment Collections and Age of Commissions

Each of Virginia's 9 commodity commissions collect less than the average amount of assessments collected by all other commissions nationwide of the same type. Possible reasons for this situation include: lower volume production of the commodities, lower level assessment rates, and different ways of calculating assessments. Assessment rate comparisons could not feasibly be made due to widely differing assessment units and variable-rate fee structures.

For example, Virginia's Apple Commission collects 10 cents per bushel on graded apples and 5 cents per bushel

on ungraded apples sold for fresh use while it collects 5 cents per hundredweight on apples for processing. Washington, Georgia, Colorado and other states show only one rate for all apples while Utah collects 1 cent per box and Delaware collects a variable fee based on orchard size. Virginia's Pork Commission makes a distinction between market hogs and feeder pigs as do many states. Other states such as Texas and Montana charge one rate for all pigs while Ohio combines breeding hogs with market hogs.

Five of Virginia's commissions are older than the average for their type: Apple, Peanut, Pork, Soybean, and Bright Flue-cured Tobacco; two commissions are equal to the average age: Corn and Dark-fired Tobacco; and two are younger than average: Egg and Sweet Potato.

Table 2 Agricultural commodity commissions --- 1982 summary data for Virginia and other states surveyed, May, 1983

COMMODITY & STATE	YEAR ESTABLISHED	MANDATORY ASSESSMENTS	WHO COLLECTED ASSESSMENTS	WHO APPOINTS MEMBERS ^{1/}	TOTAL FUNDS COLLECTED in 1982	ASSESSMENT REFUND AVAILABLE	STATE FUNDING SUPPLIED	COMMODITY COMMISSION RATIO to VALUE of PRODUCTION	
								1982 VALUE OF PRODUCTION ^{2/}	FUNDING PER MILLION DOLLARS PRODUCTION ^{3/}
								Thous. Dollars	Dollars
<u>APPLE</u>									
Colorado	1969	Yes	Commission	Commissioner	45,000.00	No	No	4,283	10,507
Delaware	1938	Yes	Dept. of Ag	Governor	1,600.00	No	No	1,569	1,020
Georgia	1963	Yes	Dept. of Ag	Exofficio	11,500.00	No	No	1,455	7,904
Idaho	1966	Yes	Shipper	Governor	90,000.00	No	No	23,840	3,775
Illinois	1980	Yes	Processor*	Producers	32,563.00	Yes	Yes	11,704	2,782
Maryland	1947	Yes	Commission	Governor	31,893.00	No	No	8,733	3,652
Massachusetts	N/A	N/A	N/A	N/A	--	N/A	N/A	--	--
Michigan	1968	Yes	Commission	Governor	800,000.00	No	No	74,700	10,710
Missouri	1945	Yes	Dept. of Ag	Governor	8,040.00	No	No	6,285	1,279
New Jersey	N/A	Yes	Dept. of Ag	Board of Ag	17,293.00	No	No	16,240	1,065
North Carolina	1966	Yes	Dept. of Ag	Producers	53,013.00	No	No	11,137	4,760
Ohio	1971	Yes	Processor*	Director of Ag	12,000.00	Yes	No	25,112	478
Pennsylvania	1967	Yes	Dept. of Ag	St. Sec of Ag	288,000.00	No	No	51,280	5,616
Utah	1970	Yes	Processor*	Producers	1,200.00	Yes	No	10,109	119
<u>VIRGINIA</u>	1946	Yes	Commission	Producers	256,286.00	No	No	44,550	5,753
Washington	1937		Commission	Producers	3,800,000.00			297,400	12,777
Total	--				5,448,388.00			588,397	9,260
Average	1960				340,524.00				
<u>CORN (For grain)</u>									
Illinois	1982	Yes	Processor*	Producer Elect	N/A	Yes	No	--	--
Kansas	1977	Yes	Dept. of Ag	Governor	212,671.00	Yes	No	378,594	562
Nebraska	1978	Yes	Processor*	Governor	642,622.00	No	No	1,887,333	340
North Carolina	1978	Yes	Dept. of Ag	Producers	427,100.00	Yes	No	370,418	1,153
Texas	1980	Yes	Commission	Producers	68,000.00	Yes	No	353,115	193
<u>VIRGINIA</u>	1980	Yes	Dept. of Tax	Governor	67,843.00	No	No	143,693	472
Wisconsin	1983	Yes	Commission	Producers	200,000.00	Yes	No	850,230	235
Total	--				1,618,236.00			3,983,383	406
Average	1980				231,177.00				

Table 2 Agricultural commodity commissions --- 1982 summary data for Virginia and other states surveyed, May, 1983--Continued

COMMODITY & STATE	YEAR ESTABLISHED	MANDATORY ASSESSMENTS	WHO COLLECTED ASSESSMENTS	WHO APPOINTS MEMBERS ^{1/}	TOTAL FUNDS COLLECTED in 1982	ASSESSMENT REFUND AVAILABLE	STATE FUNDING SUPPLIED	COMMODITY COMMISSION RATIO to VALUE of PRODUCTION	
								1982 VALUE OF PRODUCTION ^{2/}	FUNDING PER MILLION DOLLARS PRODUCTION VALUE ^{3/}
								Thous. Dollars	Dollars
<u>PEANUTS</u>									
Florida	1972	Yes	Processor*	Commissioner	135,000.00	N/A	No	37,800	3,571
Georgia	1961	Yes	Dept. of Ag	Exofficios	1,636,541.00	No	No	366,889	4,461
New Mexico	1963	Yes	Processor*	Producers	10,300.00	No	No	6,777	1,520
North Carolina	1953	Yes	Dept. of Ag	Producers	289,532.00	Yes	No	112,540	2,573
Oklahoma	1965	Yes	Commission	Governor	200,000.00	Yes	No	40,076	4,991
South Carolina	1975	Yes	Commission	N/A	30,713.00	Yes	No	8,100	3,792
Texas	1969	Yes	Commission	Producers	180,000.00	Yes	No	81,345	2,213
<u>VIRGINIA</u>	1948	Yes	Dept. of Tax	Governor	135,404.00	No	No	70,528	1,920
Total	--				2,617,490.00			724,055	3,615
Average	1965				327,186.00				
<u>PORK</u>									
Alabama	1973	Yes	Processor*	N/A	42,959.00	Yes	No	95,030	452
Illinois	1965	No	Processor*	Producers	1,220,232.00	N/A	No	1,202,883	1,014
Kentucky	1973	No	Processor*	Appt. by Comm	160,000.00	N/A	No	152,216	1,051
Maryland	1957	Yes	Commission	Producers	25,600.00	Yes	No	40,455	551
Missouri	N/A	N/A	Commission	Producers	N/A	No	No	N/A	N/A
Montana	1974	Yes	Dept. of Ag	Governor	55,000.00	Yes	No	29,937	1,837
North Carolina	1964	Yes	Dept. of Ag	Producers	296,622.00	Yes	No	372,945	795
Ohio	1968	No	Commission	Producers	N/A	N/A	No	N/A	N/A
Oklahoma	1968	Yes	Commission	Governor	70,000.00	Yes	No	41,943	1,669
South Carolina	1970	Yes	Commission	N/A	35,193.00	Yes	No	71,376	493
Texas	1974	Yes	Commission	Producers	105,000.00	Yes	No	103,462	1,015
<u>VIRGINIA</u>	1967	Yes	Processor*	Governor	147,217.00	No	Yes	109,016	1,350
Total	--				2,157,823.00			2,225,263	970
Average	1969				179,819.00				

Table 2 Agricultural commodity commissions ---- 1982 summary data for Virginia and other states surveyed, May, 1983--Continued

COMMODITY & STATE	YEAR ESTABLISHED	MANDATORY ASSESSMENTS	WHO COLLECTED ASSESSMENTS	WHO APPOINTS MEMBERS <u>1/</u>	TOTAL FUNDS COLLECTED in 1982	ASSESSMENT REFUND AVAILABLE	STATE FUNDING SUPPLIED	COMMODITY COMMISSION RATIO to VALUE of PRODUCTION	
								1982 VALUE OF PRODUCTION <u>2/</u>	FUNDING PER MILLION DOLLARS PRODUCTION VALUE <u>3/</u>
								Thous. Dollars	Dollars
<u>SOYBEAN</u>									
Alabama	1971	Yes	Processor*	N/A	168,482.00	Yes	No	285,155	591
Delaware	1980	Yes	Commission	Producers	72,300.00	Yes	No	36,288	1,992
Florida	1971	Yes	Processor*	Commissioner	70,000.00	N/A	No	85,053	823
Georgia	1971	Yes	Dept. of Ag	Exofficios	173,880.00	No	No	375,233	463
Illinois	1974	Yes	Processor*	Producers	1,660,107.00	Yes	No	2,073,494	801
Kansas	1977	Yes	Board of Ag	Governor	237,753.00	Yes	No	247,065	962
Kentucky	1974	Yes	Processor*	N/A	190,000.00	Yes	No	297,472	639
Maryland	1980	Yes	Commission	Producers	98,000.00	Yes	No	64,598	1,519
Michigan	1976	Yes	Commission	Governor	113,000.00	Yes	No	172,484	655
Minnesota	1969	Yes	Commission	Producers	1,210,191.00	Yes	No	942,840	1,284
Mississippi	1970	N/A	Dept. of Tax	Governor	697,595.00	Yes	No	519,480	1,343
Missouri	1979	Yes	Dept. of Ag	Producers	703,422.00	Yes	No	985,871	714
Nebraska	1975	Yes	Processor*	Governor	786,000.00	Yes	No	442,980	1,774
New Jersey	N/A	Yes	Dept. of Ag	Board of Ag	31,166.00	No	No	22,525	1,384
North Carolina	1966	Yes	Dept. of Ag	Producers	283,800.00	Yes	No	294,000	965
Ohio	1970	No	Commission	Producers	N/A	N/A	N/A	N/A	N/A
Oklahoma	1979	Yes	Commission	Governor	60,000.00	Yes	No	26,600	2,256
South Carolina	1969	Yes	Commission	N/A	114,000.00	Yes	No	227,920	500
Tennessee	1977	No	Dept. of Ag	Governor	16,184.00	N/A	No	348,975	46
Texas	1970	Yes	Commission	Producers	36,000.00	Yes	No	121,992	279
<u>VIRGINIA</u>	1970	Yes	Dept. of Tax	Governor	59,874.00	No	No	104,272	574
Total	--				6,779,754.00			7,674,297	883
Average	1974				322,845.00				
<u>SWEET POTATOES</u>									
Georgia	1961	Yes	Dept. of Ag	Exofficios	8,049.00	No	No	6,634	1,213
North Carolina	1961	Yes	Dept. of Ag	Producers	141,740.00	Yes	No	37,310	3,799
South Carolina	1969	Yes	Commission	N/A	9,685.00	Yes	No	5,850	1,656
<u>VIRGINIA</u>	1965	Yes	Dept. of Ag	Governor	12,723.00	No	No	2,970	4,284
Total	--				172,197.00			52,764	3,264
Average	1964				43,049.00				

TABLE 2

Table 2 Agricultural commodity commissions --- 1982 summary data for Virginia and other states surveyed, May, 1983--Continued

COMMODITY & STATE	YEAR ESTABLISHED	MANDATORY ASSESSMENTS	WHO COLLECTED ASSESSMENTS	WHO APPOINTS MEMBERS ^{1/}	TOTAL FUNDS COLLECTED in 1982	ASSESSMENT REFUND AVAILABLE	STATE FUNDING SUPPLIED	COMMODITY COMMISSION RATIO to VALUE of PRODUCTION	
								1982 VALUE OF PRODUCTION ^{2/}	FUNDING PER MILLION DOLLARS PRODUCTION VALUE ^{3/}
								Thous. Dollars	Dollars
TOBACCO									
Florida	1971	Yes	Processor*	Commissioner	21,000.00	No	No	35,840	586
Georgia	1962	Yes	Dept. of Ag	Exofficios	119,735.00	No	No	189,478	632
Kentucky	1976	Yes	Processor*	Appt. by Comm	360,000.00	Yes	No	1,031,397	349
Maryland	1947	Yes	Commission	Governor	35,928.00	No	No	65,490	549
<u>VIRGINIA FLUE</u>	1948	Yes	Dept. of Tax	Governor	111,891.00	No	No	200,739	557
<u>VIRGINIA FIRE</u>	1964	Yes	Dept. of Tax	Governor	4,536.00	No	No	6,805	666
Total	--				653,090.00			1,529,749	427
Average	1964				108,848.00				
EGG									
Georgia	1961	Yes	Dept. of Ag	Exofficios	207,045.00	No	No	303,464	682
Illinois	1973	Yes	Processor*	Producers	152,898.00	Yes	No	55,970	2,732
Minnesota	1969	Yes	Commission	Producers	228,353.00	Yes	No	100,320	2,276
Mississippi	1973	N/A	Dept. of Ag	Governor	49,128.00	Yes	No	86,233	570
Missouri	1970	Yes	Dept. of Ag	Producers	229,263.00	Yes	No	61,395	3,734
North Carolina	1966	Yes	Dept. of Ag	Producers	154,902.00	Yes	No	169,341	915
Ohio	1973	Yes	Processor*	Director of Ag.	63,000.00	Yes	No	117,088	538
South Carolina	1973	Yes	Commission	N/A	80,555.00	Yes	No	78,246	1,030
Utah	1979	Yes	Processor*	Producers	30,000.00	Yes	No	18,291	1,640
<u>VIRGINIA</u>	1980	Yes	Dept. of Tax	Governor	68,667.00	No	No	53,650	1,280
Total	--				1,263,811.00			1,043,998	1,211
Average	1971				126,381.00				

TABLE 2

FOOTNOTES:

N/A = Not available
 Processor* = Processor or first handler
^{1/} Definitions: Board of Ag = Board of Agriculture
 Director of Ag = Director of Agriculture
 St Sec of Ag = State Secretary of Agriculture

^{2/} Source: Preliminary 1982 Official Estimates, SRS, USDA

^{3/} Calculated (Survey reported total funds collected in 1982 divided by commodity value of production).

Table 3 Agricultural commodity commission funding -- Ratio of funding to production value of individual commodities for states reporting to special inquiry, May, 1983.

COMMODITIES:

APPLES			CORN			PEANUTS			PORK			
Ranking Order	Funds Per Mil. Dols. of	Crop Value	Ranking Order	Funds Per Mil. Dols. of	Crop Value	Ranking Order	Funds Per Mil. Dols. of	Crop Value	Ranking Order	Funds Per Mil. Dols. of	Crop Value	
By State			By State			By State			By State			
Rank State	Dollars		Rank State	Dollars		Rank State	Dollars		Rank State	Dollars		
1	Wash.	12,777	1	N.C.	1,153	1	Okla.	4,991	1	Mont.	1,837	
2	Mich.	10,710	2	Kan.	562	2	Ga.	4,461	2	Okla.	1,669	
3	Colo.	10,507	3	VIRGINIA	472	3	S.C.	3,792	3	VIRGINIA	1,350	
4	Ga.	7,904	4	Nev.	340	4	Fla.	3,571	4	Ky.	1,051	
5	VIRGINIA	5,753	5	Wisc.	235	5	N.C.	2,573	5	Texas	1,015	
6	Pa.	5,616	6	Texas	193	6	VIRGINIA	2,213	6	Ill.	1,014	
7	N.C.	4,760	Average			492	7	Texas	1,920	7	N.C.	795
8	Idaho	3,775				8	New Mex.	1,520	8	Md.	551	
9	Md.	3,652				Average			3,130	9	S.C.	493
10	Ill.	2,782							10	Ala.	452	
11	Mo.	1,279							Average			1,023
12	Del.	1,020										
13	Ohio	478										
14	Utah	119										
Average		5,072										

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Table 3 Agricultural commodity commission funding -- Ratio of funding to production value of individual commodities for states reporting to special inquiry, May, 1983.--Continued

COMMODITIES:

SOYBEANS			SWEET POTATOES			TOBACCO			EGGS		
Ranking Order		Funds Per Mil. Dols. of Crop Value	Ranking Order		Funds Per Mil. Dols. of Crop Value	Ranking Order		Funds Per Mil. Dols. of Crop Value	Ranking Order		Funds Per Mil. Dols. of Crop Value
By State	State	Dollars	By State	State	Dollars	By State	State	Dollars	By State	State	Dollars
1	Okla.	2,256	1	VIRGINIA	4,284	1	VIRGINIA-Fire	666	1	Mo.	3,734
2	Dcl.	1,992	2	N.C.	3,799	2	Ga.	632	2	Ill.	2,732
3	Nev.	1,774	3	S.C.	1,656	3	Fla.	586	3	Minn.	2,276
4	Md.	1,517	4	Ga.	1,213	4	VIRGINIA-Flue	557	4	Utah	1,640
5	N.J.	1,384	Average		2,663	5	Md.	549	5	VIRGINIA	1,280
6	Miss.	1,343				6	Ky.	349	6	S.C.	1,030
7	Minn.	1,284				Average		556	7	N.C.	915
8	N.C.	965							8	Ga.	682.
9	Kan.	962							9	Minn.	570
10	Fla.	823							10	Ohio	538
11	Ill.	801							Average		1,540
12	Mo.	714									
13	Mich.	655									
14	Ky.	639									
15	Ala.	591									
16	VIRGINIA	574									
17	S.C.	500									
18	Ga.	463									
19	Texas	279									
20	Tenn.	46									
Average		978									