
HOUSE BILL 2429

State of Washington

57th Legislature

2002 Regular Session

By Representatives Linville, Schoesler and Grant

Read first time 01/16/2002. Referred to Committee on Agriculture & Ecology.

1 AN ACT Relating to regulating commodity commissions; amending RCW
2 15.66.010, 15.66.030, 15.66.110, 15.66.120, 15.66.130, 15.66.140,
3 15.66.185, and 15.66.245; adding new sections to chapter 15.66 RCW; and
4 repealing RCW 15.66.020.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 15.66 RCW
7 to read as follows:

8 The history, economy, culture, and the future of Washington state
9 to a large degree all involve agriculture. In order to develop and
10 promote Washington's agricultural products as part of the existing
11 comprehensive scheme to regulate agricultural commodities, the
12 legislature declares:

13 (1) That the marketing of agricultural products within this state
14 is in the public interest. It is vital to the continued economic well-
15 being of the citizens of this state and their general welfare that its
16 agricultural commodities be properly promoted by (a) enabling producers
17 of agricultural commodities to help themselves in establishing orderly,
18 fair, sound, efficient, and unhampered marketing and grading, and
19 standardizing of the commodities they produce; and (b) working towards

1 stabilizing the agricultural industry by increasing consumption of
2 agricultural commodities within the state, nation, and internationally;

3 (2) That farmers and ranchers operate within a regulatory
4 environment that imposes burdens on them. Those restrictions impair
5 the agricultural producer's ability to compete in local, domestic, and
6 foreign markets;

7 (3) That it is now in the overriding public interest that support
8 for the agricultural industry be clearly expressed, that adequate
9 protection be given to agricultural commodities, uses, activities, and
10 operations, and that each agricultural commodity be promoted
11 individually, and as part of a comprehensive industry to:

12 (a) Enhance the reputation and image of Washington state's
13 agricultural commodities and producers;

14 (b) Increase the sale and use of Washington state's agricultural
15 commodities in local, domestic, and foreign markets;

16 (c) Protect the public by educating the public in reference to the
17 quality, care, and methods used in the production of Washington state's
18 agricultural commodities;

19 (d) Increase the knowledge of the health-giving qualities and the
20 nutritional and dietetic value of Washington state's agricultural
21 commodities and products; and

22 (e) Support and engage in programs or activities that benefit the
23 planting, production, harvesting, handling, processing, transportation,
24 marketing, and uses of agricultural commodities produced in Washington
25 state;

26 (4) That the director seek to enhance, protect, and perpetuate the
27 ability of the private sector to produce food and fiber, and seek to
28 maintain the economic well-being of the agricultural industry in
29 Washington state consistent with its regulatory activities and
30 responsibilities;

31 (5) That the director is hereby authorized to implement,
32 administer, and enforce this chapter through the establishment of
33 commodity commissions; and

34 (6) That this chapter is enacted in the exercise of the police
35 powers of this state for the purpose of protecting the health, peace,
36 safety, and general welfare of the people of this state.

37 **Sec. 2.** RCW 15.66.010 and 1993 c 80 s 3 are each amended to read
38 as follows:

1 For the purposes of this chapter:

2 (1) "Director" means the director of agriculture of the state of
3 Washington or any qualified person or persons designated by the
4 director of agriculture to act for him or her concerning some matter
5 under this chapter.

6 (2) "Department" means the department of agriculture of the state
7 of Washington.

8 (3) "Marketing order" means an order (~~(issued)~~) adopted by rule by
9 the director that establishes a commodity commission for an
10 agricultural commodity pursuant to this chapter.

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

22 (5) "Producer" means any person engaged in the business of
23 producing or causing to be produced for market in commercial quantities
24 any agricultural commodity. "To produce" means to act as a producer.
25 For the purposes of (~~RCW 15.66.060, 15.66.090, and 15.66.120, as now~~
26 ~~or hereafter amended~~) this chapter, "producer" shall include bailees
27 who contract to produce or grow any agricultural product on behalf of
28 a bailor who retains title to the seed and its resulting agricultural
29 product or the agricultural product delivered for further production or
30 increase.

31 (6) "Affected producer" means any producer (~~(of an affected~~
32 ~~commodity)) who is subject to a marketing order.~~

33 (7) "Affected commodity" means (~~(any agricultural commodity for~~
34 ~~which the director has established a list of producers pursuant to RCW~~
35 ~~15.66.060)) the agricultural commodity that is specified in the
36 marketing order.~~

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

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

3 (10) "Unfair trade practice" means any practice which is unlawful
4 or prohibited under the laws of the state of Washington including but
5 not limited to Titles 15, 16 and 69 RCW and chapters 9.16, 19.77,
6 19.80, 19.84, and 19.83 RCW, or any practice, whether concerning
7 interstate or intrastate commerce that is unlawful under the provisions
8 of the act of Congress of the United States, September 26, 1914,
9 chapter 311, section 5, 38 U.S. Statutes at Large 719 as amended, known
10 as the "Federal Trade Commission Act of 1914", or the violation of or
11 failure accurately to label as to grades and standards in accordance
12 with any lawfully established grades or standards or labels.

13 (11) "Person" includes any individual, firm, corporation, limited
14 liability company, trust, association, partnership, society, or any
15 other organization of individuals or any unit or agency of local,
16 state, or federal government.

17 (12) "Cooperative association" means any incorporated or
18 unincorporated association of producers which conforms to the
19 qualifications set out in the act of Congress of the United States,
20 Feb. 18, 1922, chapter 57, sections 1 and 2, 42 U.S. Statutes at Large
21 388 as amended, known as the "Capper-Volstead Act" and which is engaged
22 in making collective sales or in marketing any agricultural commodity
23 or product thereof or in rendering service for or advancing the
24 interests of the producers of such commodity on a nonprofit cooperative
25 basis.

26 (13) "Member of a cooperative association" or "member" means any
27 producer of an agricultural commodity who markets his or her product
28 through such cooperative association and who is a voting stockholder of
29 or has a vote in the control of or is under a marketing agreement with
30 such cooperative association with respect to such product.

31 (14) "Affected handler" means any handler of an affected commodity.

32 (15) "Affected parties" means any producer, affected producer,
33 handler, or commodity commission board member.

34 (16) "Assessment" means the monetary amount established in a
35 marketing order that is to be paid by each affected producer to a
36 commission in accordance with the schedule established in the marketing
37 order.

38 (17) "Mail" or "send," for purposes of any notice relating to rule
39 making, referenda, or elections, means regular mail or electronic

1 distribution, as provided in RCW 34.05.260 for rule making.
2 "Electronic distribution" or "electronically" means distribution by
3 electronic mail or facsimile mail.

4 (18) "Handler" means any person who acts, either as principal,
5 agent, or otherwise, in the processing, selling, marketing, or
6 distributing of an agricultural commodity that is not produced by the
7 handler. "Handler" does not include a common carrier used to transport
8 an agricultural commodity. "To handle" means to act as a handler.

9 (19) "List of affected parties" means a list containing the names
10 and mailing addresses of affected parties. This list must contain the
11 names and addresses of all affected parties and, if requested by the
12 director, the amount, by unit, of the affected commodity produced
13 during a designated period under this chapter.

14 (20) "List of affected producers" means a list containing the names
15 and mailing addresses of affected producers. This list must contain
16 the names and addresses of all affected producers and, if requested by
17 the director, the amount, by unit, of the affected commodity produced
18 during a designated period under this chapter.

19 (21) "List of affected handlers" means a list containing the names
20 and addresses of affected handlers. This list must contain the names
21 and addresses of all affected handlers and, if requested by the
22 director, the amount, by unit, of the affected commodity handled during
23 a designated period under this chapter.

24 (22) "Percent by numbers" means the percent of those persons on the
25 list of affected parties or affected producers.

26 (23) "Referendum" means a vote by the affected parties or affected
27 producers which is conducted by secret ballot.

28 (24) "Rule-making proceedings" means rule making under chapter
29 34.05 RCW.

30 (25) "Vacancy" means that a board member leaves or is removed from
31 a board position prior to the end of a term, or a nomination process
32 for the beginning of a term concludes with no candidates for a
33 position.

34 (26) "Volume of production" means the percent of the average volume
35 of production of the affected commodity of those on the list of
36 affected parties or affected producers for a production period. For
37 the purposes of this chapter, a production period is a minimum three-
38 year period or as specified in the marketing order.

1 **Sec. 3.** RCW 15.66.030 and 2001 c 315 s 1 are each amended to read
2 as follows:

3 Marketing orders may be made for any one or more of the following
4 purposes:

5 (1) To establish plans and conduct programs for advertising and
6 sales promotion, to maintain present markets, or to create new or
7 larger markets for any agricultural commodity grown in the state of
8 Washington;

9 (2) To provide for carrying on research studies to find more
10 efficient methods of production, irrigation, processing,
11 transportation, handling, and marketing of any agricultural commodity;

12 (3) To provide for improving standards and grades by defining,
13 establishing, and providing labeling requirements with respect to the
14 same;

15 (4) To investigate and take necessary action to prevent unfair
16 trade practices;

17 (5) To provide information or communicate on matters pertaining to
18 the production, irrigation, processing, transportation, marketing, or
19 uses of an agricultural commodity produced in Washington state to any
20 elected official or officer or employee of any agency;

21 (6) To provide marketing information and services for producers of
22 an agricultural commodity;

23 (7) To provide information and services for meeting resource
24 conservation objectives of producers of an agricultural commodity;

25 (8) To engage in cooperative efforts in the domestic or foreign
26 marketing of food products of an agricultural commodity; and

27 (9) To provide for commodity-related education and training.

28 NEW SECTION. **Sec. 4.** A new section is added to chapter 15.66 RCW
29 to read as follows:

30 This chapter and the rules adopted under it are only one aspect of
31 the comprehensively regulated agricultural industry. Other laws
32 applicable to agricultural commodities include the following chapters
33 and rules:

34 (1) Chapter 15.08 RCW, horticultural pests and diseases;

35 (2) Chapter 15.13 RCW, horticultural plants and facilities--
36 inspection and licensing;

37 (3) Chapter 15.14 RCW, planting stock;

38 (4) Chapter 15.15 RCW, certified seed potatoes;

- 1 (5) Chapter 15.17 RCW, standards of grades and packs;
- 2 (6) Chapter 15.19 RCW, ginseng;
- 3 (7) Chapter 15.30 RCW, controlled atmosphere storage of fruits and
- 4 vegetables;
- 5 (8) Chapter 15.49 RCW, seeds;
- 6 (9) Chapter 15.53 RCW, commercial feed;
- 7 (10) Chapter 15.54 RCW, fertilizers, minerals, and limes;
- 8 (11) Chapter 15.58 RCW, Washington pesticide control act;
- 9 (12) Chapter 15.60 RCW, apiaries;
- 10 (13) Chapter 15.64 RCW, farm marketing;
- 11 (14) Chapter 15.83 RCW, agricultural marketing and fair practices;
- 12 (15) Chapter 15.85 RCW, aquaculture marketing;
- 13 (16) Chapter 15.86 RCW, organic food products;
- 14 (17) Chapter 15.92 RCW, center for sustaining agriculture and
- 15 natural resources;
- 16 (18) Chapter 17.24 RCW, insect pests and plant diseases;
- 17 (19) Chapter 19.94 RCW, weights and measures;
- 18 (20) Chapter 20.01 RCW, agricultural products--commission
- 19 merchants, dealers, brokers, buyers, agents;
- 20 (21) Chapter 22.09 RCW, agricultural commodities;
- 21 (22) Chapter 69.04 RCW, intrastate commerce in food, drugs, and
- 22 cosmetics; and poisons including provisions of 21 C.F.R. relating to
- 23 the general manufacturing practices, food labeling, food standards,
- 24 food additives, and pesticide tolerances;
- 25 (23) Chapter 69.07 RCW, Washington food processing act;
- 26 (24) Chapter 69.25 RCW, Washington wholesome eggs and egg products
- 27 act;
- 28 (25) Chapter 69.28 RCW, honey; and
- 29 (26) 7 U.S.C. Sec. 136, the federal insecticide, fungicide, and
- 30 rodenticide act.

31 NEW SECTION. **Sec. 5.** A new section is added to chapter 15.66 RCW
32 to read as follows:

33 (1) In addition to the laws and regulations listed in section 4 of
34 this act that apply to the agricultural industry as a whole, the potato
35 industry is regulated by or must comply with the following additional
36 laws and the rules or regulations adopted thereunder:

37 (a) 7 C.F.R. Part 51, United States standards for grades of
38 potatoes;

1 (b) 7 C.F.R. Part 946, federal marketing order for Irish potatoes
2 grown in Washington;

3 (c) 7 C.F.R. Part 1207, potato research and promotion plan.

4 (2) In addition to the laws and regulations listed in section 4 of
5 this act that apply to the agricultural industry as a whole, the wheat
6 and barley industries are regulated by or must comply with the
7 following additional laws and the rules adopted thereunder:

8 (a) 7 U.S.C. Sec. 1621, the agricultural marketing act;

9 (b) Chapter 70.94 RCW, Washington clean air act, agricultural
10 burning.

11 (3) In addition to the laws and regulations listed in section 4 of
12 this act that apply to the agricultural industry as a whole, the
13 poultry industry is regulated by or must comply with the following
14 additional laws and the rules adopted thereunder:

15 (a) 21 U.S.C., chapter 10, poultry and poultry products inspection;

16 (b) 21 U.S.C., chapter 9, packers and stockyards;

17 (c) 7 U.S.C. Sec. 1621, the agricultural marketing act;

18 (d) Washington fryer commission labeling standards.

19 **Sec. 6.** RCW 15.66.110 and 2001 c 315 s 2 are each amended to read
20 as follows:

21 (1) Every marketing order shall establish a commodity commission
22 composed of not less than five nor more than thirteen members. In
23 addition, the director shall be an ex officio member of each commodity
24 commission unless otherwise specified in the marketing order.
25 Commission board members shall be citizens and residents of this state
26 if required by the marketing order, and over the age of eighteen. Not
27 more than one board member may be part of the same "person" as defined
28 by this chapter. The term of office of commission members shall be
29 three years with the terms rotating so that one-third of the terms will
30 commence as nearly as practicable each year. However, the first
31 commission shall be selected, one-third for a term of one year, one-
32 third for a term of two years, and one-third for a term of three years,
33 as nearly as practicable. Except as provided in subsection (2) of this
34 section, no less than two-thirds of the commission board members shall
35 be elected by the affected producers and such elected members shall all
36 be affected producers. The remaining members shall be appointed by the
37 commission and shall be either affected producers, others active in
38 matters relating to the affected commodity, or persons not so related.

1 (2) A marketing order may provide that a majority of the
2 commission's board be appointed by the director, but in any event, no
3 less than one-third of the board members shall be elected by the
4 affected producers.

5 (3) In the event that the marketing order provides that a majority
6 of the commission's board be appointed by the director, the marketing
7 order must incorporate either the provisions of section 7 or 8 of this
8 act for board member selection.

9 NEW SECTION. Sec. 7. A new section is added to chapter 15.66 RCW
10 to read as follows:

11 Either this section or section 8 of this act applies for director
12 appointed positions.

13 (1) Candidates for director appointed board positions on a
14 commission must be nominated pursuant to RCW 15.66.120(1).

15 (2) Not less than sixty days nor more than seventy-five days prior
16 to the commencement of a board member term, the director must cause an
17 advisory vote to be held for the director appointed positions.
18 Advisory ballots must be mailed to all affected producers and be
19 returned to the director not less than thirty days prior to the
20 commencement of the term. The advisory ballot must be conducted in a
21 manner so that it is a secret ballot. The names of the two candidates
22 receiving the most votes in the advisory vote must be forwarded to the
23 director to select one for appointment to the commission board. In the
24 event there are only two candidates nominated for a board position, an
25 advisory vote will not be held and the candidates' names must be
26 forwarded to the director to select one for appointment.

27 (3) The candidates whose names are forwarded to the director for
28 potential appointment must submit to the director a letter stating why
29 he or she wishes to be appointed to the commission board.

30 NEW SECTION. Sec. 8. A new section is added to chapter 15.66 RCW
31 to read as follows:

32 Either this section or section 7 of this act applies for director
33 appointed positions.

34 (1) Candidates for director appointed board positions on a
35 commission must be nominated pursuant to RCW 15.66.120(1).

36 (2) Not less than sixty days nor more than seventy-five days prior
37 to the commencement of a board member term, the director must cause an

1 advisory vote to be held for the director appointed positions.
2 Advisory ballots must be mailed to all affected producers and be
3 returned to the director not less than thirty days prior to the
4 commencement of the term. The advisory ballot must be conducted in a
5 manner so that it is a secret ballot. The name of the candidate
6 receiving the most votes in the advisory vote must be forwarded to the
7 director for appointment to the commission board.

8 (3) The director must appoint the candidate receiving the most
9 votes in an advisory ballot unless the candidate fails to meet the
10 qualifications of commission board members listed in this chapter and
11 the marketing order. In the event the director rejects the candidate
12 receiving the most votes, the position will be deemed vacant and filled
13 pursuant to RCW 15.66.120(8).

14 **Sec. 9.** RCW 15.66.120 and 1975 1st ex.s. c 7 s 9 are each amended
15 to read as follows:

16 (1) Not less than ninety days nor more than one hundred and five
17 days prior to the beginning of each term of each elected commission
18 member, ~~((the director shall give))~~ notice ~~((by mail))~~ shall be mailed
19 to all affected producers ~~((of the vacancy and))~~ with a call for
20 nominations in accordance with this section and ~~((with the))~~ provisions
21 of the marketing order ~~((and shall give))~~. The notice ~~((of))~~ shall
22 give the final date for filing nominations, which shall not be less
23 than eighty days nor more than eighty-five days before the beginning of
24 such term. ~~((Such))~~ The notice shall also advise that nominating
25 petitions shall be signed by five persons qualified to vote for such
26 candidates or, if the number of nominating signers is provided for in
27 the marketing order, ~~((such))~~ then the number ~~((as such))~~ provided in
28 the marketing order ~~((provides))~~.

29 (2) Not less than sixty days nor more than seventy-five days prior
30 to the commencement of ~~((such))~~ a commission board member term, the
31 director shall ~~((submit by))~~ mail ballots to all affected producers~~((~~
32 ~~which))~~. Ballots shall be required to be returned to the director not
33 less than thirty days prior to the commencement of ~~((such))~~ the term.
34 ~~((Such))~~ The mail ballot shall be conducted in a manner so that it
35 shall be a secret ballot. With respect to the first commission for a
36 particular commodity, the director may call for nominations for board
37 members in the notice of ~~((his))~~ the director's decision following the

1 hearing and the ballot may be submitted at the time the director's
2 proposed order is submitted to the affected producers for their assent.

3 ~~((Said elected))~~ (3) Board members may be elected or appointed from
4 various districts within the area covered by the marketing order if the
5 order so provides, with the number of members from each district to be
6 in accordance with the provisions of the marketing order.

7 (4) The board members of the commission not elected by the affected
8 producers shall be elected by a majority of the commission's board at
9 a meeting of the commission within ninety days prior to expiration of
10 the term ~~((but to fill nonelective vacancies caused by other reasons~~
11 ~~than the expiration of a term, the new member shall be elected by the~~
12 ~~commission at its first meeting after the occurrence of the vacancy))~~,
13 or appointed by the director in accordance with this chapter and the
14 marketing order.

15 (5) When only one nominee is nominated for any position on the
16 commission, the director shall ~~((deem that said nominee satisfies the~~
17 ~~requirements of the position and then it shall be deemed that said~~
18 ~~nominee has been duly))~~ determine whether the nominee meets the
19 qualifications of the position and, if so, the director shall declare
20 the nominee elected or appoint the nominee to the position.

21 (6) In the event of a vacancy in an elected board member position
22 on a commodity commission, the remaining board members shall select a
23 qualified person to fill the vacant position for the remainder of the
24 current term or as provided in the marketing order.

25 (7) In the event of a vacancy in a commission appointed board
26 member position on a commodity commission, the appointment of board
27 members must be as specified in the marketing order.

28 (8) In the event of a vacancy in a director appointed board member
29 position on a commodity commission, the remaining board members must
30 recommend to the director a qualified person for appointment to the
31 vacant position. The director must appoint the person recommended by
32 the board unless the person fails to meet the qualifications of
33 commission board members listed in this chapter and the marketing
34 order.

35 **Sec. 10.** RCW 15.66.130 and 2001 2nd sp.s. c 6 s 2 are each amended
36 to read as follows:

37 Each commodity commission shall hold such regular meetings as the
38 marketing order may prescribe or that the commission by resolution may

1 prescribe, together with such special meetings that may be called in
2 accordance with provisions of its resolutions upon reasonable notice to
3 all members thereof. A majority of the voting members shall constitute
4 a quorum for the transaction of all business of the commission. (~~In
5 the event of a vacancy in an elected or appointed position on the
6 commission, the remaining elected members of the commission shall
7 select a qualified person to fill the unexpired term.~~)

8 Each member of the commission shall be compensated in accordance
9 with RCW 43.03.230. Members and employees of the commission may be
10 reimbursed for actual travel expenses incurred in carrying out the
11 provisions of this chapter, as defined under the commodity board's
12 marketing order. Otherwise, if not defined or referenced in the
13 marketing order, reimbursement for travel expenses shall be in
14 accordance with RCW 43.03.050 and 43.03.060.

15 **Sec. 11.** RCW 15.66.140 and 2001 c 315 s 3 are each amended to read
16 as follows:

17 Every (~~marketing~~) commodity commission shall have such powers and
18 duties in accordance with provisions of this chapter as may be provided
19 in the marketing order and shall have the following powers and duties:

20 (1) To elect a (~~chairman~~) chair and such other officers as
21 determined advisable;

22 (2) To adopt, rescind and amend rules and regulations reasonably
23 necessary for the administration and operation of the commission and
24 the enforcement of its duties under the marketing order;

25 (3) To administer, enforce, direct and control the provisions of
26 the marketing order and of this chapter relating thereto;

27 (4) To employ and discharge at its discretion such administrators
28 and additional personnel, attorneys, advertising and research agencies
29 and other persons and firms that it may deem appropriate and pay
30 compensation to the same;

31 (5) To acquire personal property and purchase or lease office space
32 and other necessary real property and transfer and convey the same;

33 (6) To institute and maintain in its own name any and all legal
34 actions, including actions by injunction, mandatory injunction or civil
35 recovery, or proceedings before administrative tribunals or other
36 governmental authorities necessary to carry out the provisions of this
37 chapter and of the marketing order;

1 (7) To keep accurate records of all its receipts and disbursements,
2 which records shall be open to inspection and audit by the state
3 auditor or private auditor designated by the state auditor at least
4 every five years;

5 (8) Borrow money and incur indebtedness;

6 (9) Make necessary disbursements for routine operating expenses;

7 (10) To expend funds for commodity-related education, training, and
8 leadership programs as each commission deems expedient;

9 (11) To work cooperatively with other local, state, and federal
10 agencies; universities; and national organizations for the purposes
11 provided in the commission's marketing order;

12 (12) To enter into contracts or interagency agreements with any
13 private or public agency, whether federal, state, or local, to carry
14 out the purposes provided in the commission's marketing order.
15 Personal service contracts must comply with chapter 39.29 RCW;

16 (13) To accept and expend or retain any gifts, bequests,
17 contributions, or grants from private persons or private and public
18 agencies to carry out the purposes provided in the commission's
19 marketing order;

20 (14) To enter into contracts or agreements for research in the
21 production, irrigation, processing, transportation, marketing, use, or
22 distribution of an affected commodity;

23 (15) To retain in emergent situations the services of private legal
24 counsel to conduct legal actions on behalf of a commission. The
25 retention of a private attorney is subject to review by the office of
26 the attorney general;

27 (16) To engage in appropriate fund-raising activities for the
28 purpose of supporting activities of the commission authorized by the
29 marketing order;

30 (17) To participate in international, federal, state, and local
31 hearings, meetings, and other proceedings relating to the production,
32 irrigation, manufacture, regulation, transportation, distribution,
33 sale, or use of affected commodities including activities authorized
34 under RCW 42.17.190, including the reporting of those activities to the
35 public disclosure commission; ((and))

36 (18) To engage in cooperative advertising and promotion efforts
37 with individual manufacturers, processors, packers/shippers,
38 cooperatives, and producers of the affected commodity grown in the
39 state of Washington, provided the commodity commission publicly offers

1 these types of cooperative programs to all manufacturers, processors,
2 packers/shippers, and producers of the affected Washington state
3 commodity;

4 (19) To maintain a list of the names and addresses of affected
5 producers that may be compiled from information used to collect
6 assessments under the provisions of the marketing order and data on the
7 value of each producer's production for a minimum three-year period;

8 (20) To maintain a list of the names and addresses of persons who
9 handle the affected commodity within the affected area and data on the
10 amount and value of the commodity handled for a minimum three-year
11 period by each person; and

12 (21) Such other powers and duties that are necessary to carry out
13 the purposes of this chapter.

14 NEW SECTION. Sec. 12. A new section is added to chapter 15.66 RCW
15 to read as follows:

16 Agricultural commodity commissions shall adopt rules governing
17 promotional hosting expenditures by commodity commission employees,
18 agents, or board members under RCW 15.04.200.

19 **Sec. 13.** RCW 15.66.185 and 1967 ex.s. c 54 s 2 are each amended to
20 read as follows:

21 Any funds of any agricultural commodity commission may be invested
22 in savings or time deposits in banks, trust companies, and mutual
23 savings banks (~~(which)~~) that are doing business in (~~(this state)~~) the
24 United States, up to the amount of insurance afforded such accounts by
25 the Federal Deposit Insurance Corporation. This section shall apply to
26 all funds which may be lawfully so invested, which in the judgment of
27 any agricultural commodity commission are not required for immediate
28 expenditure. The authority granted by this section is not exclusive
29 and shall be construed to be cumulative and in addition to other
30 authority provided by law for the investment of such funds.

31 **Sec. 14.** RCW 15.66.245 and 1988 c 54 s 2 are each amended to read
32 as follows:

33 Any marketing agreement or order may authorize the members of a
34 commodity commission, or their agents or designees, to participate in
35 federal or state hearings or other proceedings concerning regulation of
36 the manufacture, distribution, sale, or use of any pesticide as defined

1 by RCW 15.58.030(~~(+1)~~) (30) or any agricultural chemical which is of
2 use or potential use in producing the affected commodity. Any
3 marketing agreement or order may authorize the expenditure of commodity
4 commission funds for this purpose.

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

7 A commodity commission under this chapter is exempt from the
8 limitations of RCW 43.01.040, 43.01.041, and 43.01.044 concerning the
9 accumulation of employee annual leave in excess of thirty days,
10 provided the commodity commission establishes an incentive program for
11 commission employees that exceeds the requirements of RCW 43.01.040,
12 43.01.041, and 43.01.044 in the following manner:

13 (1) In January of the year following any year in which a minimum of
14 thirty days of annual leave is accrued, and each January thereafter,
15 any eligible employee may exercise an option to receive remuneration
16 for unused annual leave accumulated in the previous year at a rate
17 equal to one day's monetary compensation of the employee for each two
18 full days of annual leave in excess of thirty days. Annual leave for
19 which compensation has been received must be deducted from accrued
20 annual leave at the rate of two days for every one day of monetary
21 compensation. Annual leave remuneration under this subsection may not
22 be included in the computation of retirement benefits and may not
23 result in any increase in a retirement allowance under any public
24 retirement system in this state.

25 (2) At the time of separation from commodity commission employment
26 due to death, reduction in force, resignation, dismissal, or
27 retirement, an eligible employee or the employee's estate must receive
28 remuneration of annual leave at a rate equal to one day's current
29 monetary compensation of the employee for each day of accrued annual
30 leave up to a maximum of thirty days.

31 (3) Should the legislature revoke any benefits granted under this
32 section, no affected employee is entitled thereafter to receive the
33 benefits as a matter of contractual right.

34 (4) The commodity commission may adopt rules under its marketing
35 order to carry out the purposes of this section.

1 NEW SECTION. **Sec. 16.** RCW 15.66.020 (Declaration of purpose) and
2 1961 c 11 s 15.66.020 are each repealed.

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