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SENATE BILL 5902

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State of Washington

57th Legislature

2001 Regular Session

By Senators Rasmussen, Sheahan, Hochstatter and Snyder

Read first time 02/07/2001. Referred to Committee on Agriculture & International Trade.

1 AN ACT Relating to agricultural commodity commissions; amending RCW  
2 15.66.030, 15.66.110, 15.66.140, 15.65.040, 15.65.230, 15.65.280, and  
3 43.03.230; adding new sections to chapter 15.65 RCW; and adding new  
4 sections to chapter 15.66 RCW.

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

6 **Sec. 1.** RCW 15.66.030 and 1961 c 11 s 15.66.030 are each amended  
7 to read as follows:

8 Marketing orders may be made for any one or more of the following  
9 purposes:

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

14 (2) To provide for carrying on research studies to find more  
15 efficient methods of production, processing, handling and marketing of  
16 any agricultural commodity;

17 (3) To provide for improving standards and grades by defining,  
18 establishing and providing labeling requirements with respect to the  
19 same;

1 (4) To investigate and take necessary action to prevent unfair  
2 trade practices;

3 (5) To provide information or communicate on matters pertaining to  
4 the production, processing, marketing, or uses of an agricultural  
5 commodity produced in Washington state to any elected official or  
6 officer or employee of any agency;

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

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

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

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

14 **Sec. 2.** RCW 15.66.110 and 1961 c 11 s 15.66.110 are each amended  
15 to read as follows:

16 Every marketing order shall establish a commodity commission  
17 composed of not less than five nor more than thirteen members. In  
18 addition, the director shall be an ex officio member of each commodity  
19 commission. Commission members shall be citizens and residents of this  
20 state if required by the marketing order, and over the age of ((twenty-  
21 five years)) eighteen. The term of office of commission members shall  
22 be three years with the terms rotating so that one-third of the terms  
23 will commence as nearly as practicable each year. However, the first  
24 commission shall be selected, one-third for a term of one year, one-  
25 third for a term of two years, and one-third for a term of three years,  
26 as nearly as practicable. No less than two-thirds of the commission  
27 members shall be elected by the affected producers and such elected  
28 members shall all be affected producers. The remaining ((one-third))  
29 members shall be appointed by the commission and shall be either  
30 affected producers, others active in matters relating to the affected  
31 commodity or persons not so related.

32 **Sec. 3.** RCW 15.66.140 and 1985 c 261 s 20 are each amended to read  
33 as follows:

34 Every marketing commission shall have such powers and duties in  
35 accordance with provisions of this chapter as may be provided in the  
36 marketing order and shall have the following powers and duties:

- 1 (1) To elect a chairman and such other officers as determined  
2 advisable;
- 3 (2) To adopt, rescind and amend rules and regulations reasonably  
4 necessary for the administration and operation of the commission and  
5 the enforcement of its duties under the marketing order;
- 6 (3) To administer, enforce, direct and control the provisions of  
7 the marketing order and of this chapter relating thereto;
- 8 (4) To employ and discharge at its discretion such administrators  
9 and additional personnel, attorneys, advertising and research agencies  
10 and other persons and firms that it may deem appropriate and pay  
11 compensation to the same;
- 12 (5) To acquire personal property and purchase or lease office space  
13 and other necessary real property and transfer and convey the same;
- 14 (6) To institute and maintain in its own name any and all legal  
15 actions, including actions by injunction, mandatory injunction or civil  
16 recovery, or proceedings before administrative tribunals or other  
17 governmental authorities necessary to carry out the provisions of this  
18 chapter and of the marketing order;
- 19 (7) To keep accurate records of all its receipts and disbursements,  
20 which records shall be open to inspection and audit by the state  
21 auditor or private auditor designated by the state auditor at least  
22 every five years;
- 23 (8) Borrow money and incur indebtedness;
- 24 (9) Make necessary disbursements for routine operating expenses;
- 25 (10) To expend funds for commodity-related education, training, and  
26 leadership programs as each commission deems expedient;
- 27 (11) To work cooperatively with other local, state, and federal  
28 agencies; universities; and national organizations for the purposes  
29 provided in the commission's marketing order;
- 30 (12) To enter into contracts or interagency agreements with any  
31 private or public agency, whether federal, state, or local, to carry  
32 out the purposes provided in the commission's marketing order.  
33 Personal service contracts must comply with chapter 39.29 RCW;
- 34 (13) To accept and expend or retain any gifts, bequests,  
35 contributions, or grants from private persons or private and public  
36 agencies to carry out the purposes provided in the commission's  
37 marketing order;

1       (14) To enter into contracts or agreements for research in the  
2 production, processing, marketing, use, or distribution of an affected  
3 commodity;

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

8       (16) To engage in appropriate fund-raising activities for the  
9 purpose of supporting activities of the commission authorized by the  
10 marketing order;

11       (17) To participate in international, federal, state, and local  
12 hearings, meetings, and other proceedings relating to the production,  
13 manufacture, regulation, distribution, sale, or use of affected  
14 commodities including activities authorized under RCW 42.17.190,  
15 including the reporting of those activities to the public disclosure  
16 commission; and

17       (18) Such other powers and duties that are necessary to carry out  
18 the purposes of this chapter.

19       **Sec. 4.** RCW 15.65.040 and 1961 c 256 s 4 are each amended to read  
20 as follows:

21       It is hereby declared to be the policy of this chapter:

22       (1) To aid agricultural producers in preventing economic waste in  
23 the marketing of their agricultural commodities and in developing more  
24 efficient methods of marketing agricultural products.

25       (2) To enable agricultural producers of this state, with the aid of  
26 the state:

27       (a) To develop, and engage in research for developing, better and  
28 more efficient production, marketing, and utilization of agricultural  
29 products(~~(b)~~) to establish orderly marketing of agricultural  
30 commodities;

31       (~~(e)~~) (b) To provide for uniform grading and proper preparation  
32 of agricultural commodities for market;

33       (~~(d)~~) (c) To provide methods and means (including, but not  
34 limited to, public relations and promotion) for the maintenance of  
35 present markets and for the development of new or larger markets, both  
36 domestic and foreign, for agricultural commodities produced within this  
37 state and for the prevention, modification, or elimination of trade

1 barriers which obstruct the free flow of such agricultural commodities  
2 to market;

3 ~~((e))~~ (d) To eliminate or reduce economic waste in the marketing  
4 and/or use of agricultural commodities;

5 ~~((f))~~ (e) To restore and maintain adequate purchasing power for  
6 the agricultural producers of this state;

7 (f) To provide information or communicate on matters pertaining to  
8 the production, processing, marketing, or uses of an agricultural  
9 commodity produced in Washington state to any elected official or  
10 officer or employee of any agency;

11 (g) To provide marketing information and services for producers of  
12 an agricultural commodity;

13 (h) To provide information and services for meeting resource  
14 conservation objectives of producers of an agricultural commodity;

15 (i) To engage in cooperative efforts in the domestic or foreign  
16 marketing of food products of an agricultural commodity;

17 (j) To provide for commodity-related education and training; and

18 ~~((g))~~ (k) To accomplish all the declared policies of this  
19 chapter.

20 (3) To protect the interest of consumers by assuring a sufficient  
21 pure and wholesome supply of agricultural commodities of good quality  
22 at all seasons and times.

23 **Sec. 5.** RCW 15.65.230 and 1961 c 256 s 23 are each amended to read  
24 as follows:

25 ~~((The))~~ A producer member((s)) of each ((such)) commodity board  
26 ((shall)) must be a practical producer((s)) of the affected commodity  
27 and ((shall)) must be a citizen((s and)), resident((s)) of this state,  
28 and over the age of ((twenty-five)) eighteen years((, each of whom is  
29 and has)). Each board member must be and have been actually engaged in  
30 producing such a commodity within the state of Washington for a period  
31 of five years and ((has)) have, during that period, derived a  
32 substantial portion of his or her income therefrom and ((who is)) not  
33 be engaged in business, directly or indirectly, as a handler or other  
34 dealer. ((The)) A handler member((s)) of ((such)) each board ((shall))  
35 must be a practical handler((s)) of the affected commodity and  
36 ((shall)) must be a citizen((s and)), resident((s)) of this state, and  
37 over the age of twenty-five years((, each of whom is and has)). Each  
38 board member must be and have been, either individually or as an

1 officer or employee of a corporation, firm, partnership, association,  
2 or cooperative, actually engaged in handling such a commodity within  
3 the state of Washington for a period of five years and (~~has~~) have,  
4 during that period, derived a substantial portion of his or her income  
5 therefrom. The qualification of a member(~~s~~) of the board as  
6 (~~herein~~) set forth in this section must continue during (~~their~~) the  
7 term(~~s~~) of office.

8 **Sec. 6.** RCW 15.65.280 and 1985 c 261 s 11 are each amended to read  
9 as follows:

10 The powers and duties of the board shall be:

11 (1) To elect a chairman and such other officers as it deems  
12 advisable;

13 (2) To advise and counsel the director with respect to the  
14 administration and conduct of such marketing agreement or order;

15 (3) To recommend to the director administrative rules, regulations  
16 and orders and amendments thereto for the exercise of his powers in  
17 connection with such agreement or order;

18 (4) To advise the director upon any and all assessments provided  
19 pursuant to the terms of such agreement or order and upon the  
20 collection, deposit, withdrawal, disbursement and paying out of all  
21 moneys;

22 (5) To assist the director in the collection of such necessary  
23 information and data as the director may deem necessary in the proper  
24 administration of this chapter;

25 (6) To administer the order or agreement as its administrative  
26 board if the director designates it so to do in such order or  
27 agreement;

28 (7) To work cooperatively with other local, state, and federal  
29 agencies; universities; and national organizations for the purposes  
30 provided in the board's marketing order;

31 (8) To enter into contracts or interagency agreements with any  
32 private or public agency, whether federal, state, or local, to carry  
33 out the purposes provided in the board's marketing order. Personal  
34 service contracts must comply with chapter 39.29 RCW;

35 (9) To accept and expend or retain any gifts, bequests,  
36 contributions, or grants from private persons or private and public  
37 agencies to carry out the purposes provided in the board's marketing  
38 order;

1       (10) To retain in emergent situations the services of private legal  
2 counsel to conduct legal actions on behalf of a board. The retention  
3 of a private attorney is subject to review by the office of the  
4 attorney general;

5       (11) To engage in appropriate fund-raising activities for the  
6 purpose of supporting activities of the board authorized by the  
7 marketing order;

8       (12) To enter into contracts or agreements for research in the  
9 production, processing, marketing, use, or distribution of an affected  
10 commodity;

11       (13) To participate in international, federal, state, and local  
12 hearings, meetings, and other proceedings relating to the production,  
13 manufacture, regulation, distribution, sale, or use of affected  
14 commodities including activities authorized under RCW 42.17.190,  
15 including the reporting of those activities to the public disclosure  
16 commission; and

17       (14) To perform such other duties as the director may prescribe in  
18 the marketing agreement or order.

19       Any agreement or order under which the commodity board administers  
20 the order or agreement shall (if so requested by the affected producers  
21 within the affected area in the proposal or promulgation hearing)  
22 contain provisions whereby the director reserves the power to approve  
23 or disapprove every order, rule or directive issued by the board, in  
24 which event such approval or disapproval shall be based on whether or  
25 not the director believes the board's action has been carried out in  
26 conformance with the purposes of this chapter.

27       NEW SECTION. Sec. 7. A new section is added to chapter 15.65 RCW  
28 to read as follows:

29       A commodity commission may establish foundations using commission  
30 funds as grant money when the foundation benefits the commodity for  
31 which the commission was established. Commission funds may be used for  
32 the purposes authorized in the marketing order.

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

35       A commodity commission may establish foundations using commission  
36 funds as grant money when the foundation benefits the commodity for

1 which the commission was established. Commission funds may be used for  
2 the purposes authorized in the marketing order.

3 NEW SECTION. **Sec. 9.** A new section is added to chapter 15.65 RCW  
4 to read as follows:

5 (1) Each board member of a commodity commission established under  
6 this chapter may be compensated pursuant to RCW 43.03.250.

7 (2) Board members and employees of a commodity commission  
8 established under this chapter and its employees may be reimbursed for  
9 actual travel expenses incurred in carrying out the provisions of this  
10 chapter, as defined under the commodity commission's marketing order.  
11 Otherwise, if not defined or referenced in the marketing order,  
12 reimbursement for travel expenses shall be in accordance with RCW  
13 43.03.050 and 43.03.060.

14 (3) Approval for compensation and travel expenses shall be as  
15 defined in the commodity commission's marketing order.

16 NEW SECTION. **Sec. 10.** A new section is added to chapter 15.66 RCW  
17 to read as follows:

18 (1) Each board member of a commodity commission established under  
19 this chapter may be compensated pursuant to RCW 43.03.250.

20 (2) Board members and employees of a commodity commission  
21 established under this chapter and its employees may be reimbursed for  
22 actual travel expenses incurred in carrying out the provisions of this  
23 chapter, as defined under the commodity commission's marketing order.  
24 Otherwise, if not defined or referenced in the marketing order,  
25 reimbursement for travel expenses shall be in accordance with RCW  
26 43.03.050 and 43.03.060.

27 (3) Approval for compensation and travel expenses shall be as  
28 defined in the commodity commission's marketing order.

29 **Sec. 11.** RCW 43.03.230 and 1984 c 287 s 3 are each amended to read  
30 as follows:

31 ~~(1) ((Any agricultural commodity commission established pursuant to  
32 Title 15 or 16 RCW shall be identified as a class two group for  
33 purposes of compensation.~~

34 ~~(2))~~ Except as otherwise provided in this section, each member of  
35 a class two group is eligible to receive compensation in an amount not  
36 to exceed thirty-five dollars for each day during which the member



1 attends an official meeting of the group or performs statutorily  
2 prescribed duties approved by the chairperson of the group. A person  
3 shall not receive compensation for a day of service under this section  
4 if the person (a) occupies a position, normally regarded as full-time  
5 in nature, in any agency of the federal government, Washington state  
6 government, or Washington state local government; and (b) receives any  
7 compensation from such government for working that day.

8       (~~(3)~~) (2) Compensation may be paid a member under this section  
9 only if it is authorized under the law dealing in particular with the  
10 specific group to which the member belongs or dealing in particular  
11 with the members of that specific group.

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