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SENATE BILL 5552

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State of Washington                      58th Legislature                      2003 Regular Session

By Senators Sheahan, Rasmussen, Swecker, Hale and Shin

Read first time 01/29/2003. Referred to Committee on Agriculture.

1            AN ACT Relating to the state agricultural commodity commissions;  
2 and amending RCW 15.66.030, 15.66.140, and 15.66.185.

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

4            **Sec. 1.** RCW 15.66.030 and 2002 c 313 s 40 are each amended to read  
5 as follows:

6            Marketing orders may be made for any one or more of the following  
7 purposes:

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

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

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

18            (4) To investigate and take necessary action to prevent unfair  
19 trade practices;

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

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

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

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

11 (9) To provide for commodity-related education and training; and

12 (10) To assist and cooperate with the department or any other  
13 local, state, or federal government agency in the investigation and  
14 control of exotic pests and diseases that could damage or affect trade  
15 of the affected commodity.

16 **Sec. 2.** RCW 15.66.140 and 2002 c 313 s 57 are each amended to read  
17 as follows:

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

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

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

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

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

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

34 (6) To institute and maintain in its own name any and all legal  
35 actions, including actions by injunction, mandatory injunction or civil  
36 recovery, or proceedings before administrative tribunals or other

1 governmental authorities necessary to carry out the provisions of this  
2 chapter and of the marketing order;

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

7 (8) Borrow money and incur indebtedness;

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

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

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

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

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

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

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

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

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

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

5 (19) To maintain a list of the names and addresses of persons who  
6 handle the affected commodity within the affected area and data on the  
7 amount and value of the commodity handled for a minimum three-year  
8 period by each person; (~~and~~)

9 (20) To request records and audit the records of producers or  
10 handlers of the affected commodity during normal business hours to  
11 determine whether the appropriate assessment has been paid;

12 (21) To acquire or own intellectual property rights, licenses, or  
13 patents and to collect royalties resulting from commission-funded  
14 research related to the affected commodity; and

15 (22) Such other powers and duties that are necessary to carry out  
16 the purposes of this chapter.

17 **Sec. 3.** RCW 15.66.185 and 2002 c 313 s 62 are each amended to read  
18 as follows:

19 (1) Any funds of any agricultural commodity commission may be  
20 invested in savings or time deposits in banks, trust companies, and  
21 mutual savings banks that are doing business in the United States, up  
22 to the amount of insurance afforded such accounts by the Federal  
23 Deposit Insurance Corporation.

24 (2) This section shall apply to all funds which may be lawfully so  
25 invested, which in the judgment of any agricultural commodity  
26 commission are not required for immediate expenditure. The authority  
27 granted by this section is not exclusive and shall be construed to be  
28 cumulative and in addition to other authority provided by law for the  
29 investment of such funds, including, but not limited to, authority  
30 granted under chapters 39.58, 39.59, and 43.84 RCW.

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