

# SENATE BILL REPORT

## SB 6283

---

---

As Passed Senate, February 12, 2008

**Title:** An act relating to membership on the apple commission.

**Brief Description:** Addressing membership on the apple commission.

**Sponsors:** Senators Rasmussen and King; by request of Washington Apple Commission.

**Brief History:**

**Committee Activity:** Agriculture & Rural Economic Development: 1/21/08 [DP].

Passed Senate: 2/12/08, 44-0.

---

### SENATE COMMITTEE ON AGRICULTURE & RURAL ECONOMIC DEVELOPMENT

**Majority Report:** Do pass.

Signed by Senators Rasmussen, Chair; Hatfield, Vice Chair; Schoesler, Ranking Minority Member; Jacobsen, Morton and Shin.

**Staff:** Bob Lee (786-7404)

**Background:** The Washington Apple Commission (Commission) is composed of 15 members including nine apple producers, four apple dealers, and the Director of the Department of Agriculture. The term of office is three years. If a vacancy occurs, a procedure exists for filling the vacancy.

The procedures for selecting the members to serve on the Commission were modified in 2004 in accordance with the advice of the Attorney General's Office following court rulings affecting the operation of the Commission.

The process for selecting Commission members includes a nomination process, holding an advisory election, and forwarding the two candidates names receiving the most votes for potential appointment by the Director.

To nominate a person, a public meeting is convened during the annual meeting of apple producers. A person may be nominated orally at that meeting, or nominations may be made within five days after the meeting by written petition signed by not less than five apple growers or dealers. If only two persons are nominated, an advisory vote need not be held and the candidate's names must be forwarded to the Director for potential appointment.

Under current law, if only one candidate is nominated, the Commission is required to select a second candidate and forward that person's name to the Director.

---

*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

**Summary of Bill:** Instead of requiring the Commission to submit a second name to the Director, explicit authority is provided for the Director to appoint or to reject the sole nominee.

If a Commission member fails or refuses to perform his or her duties due to excessive absence, dishonesty, or willful misconduct, the Commission may recommend that the Commission member be removed. The recommendation is submitted to the Director for determination as to whether adequate cause for removal exists. The Director may remove the member and may declare the position vacant which must then be re-filled.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: There is an open process for people who want to run for the Apple Commission that allows nomination of board members during the Washington Horticultural Association convention and also the submission of a nominating petition after that. When the Apple Commission was restructured in 2004, people didn't foresee the problems the commission would have with submitting the name of a second nominee after this very open process. This is a housekeeping measure that adjusts the process to make it more workable.

**Persons Testifying:** PRO: Dave Carlson, Washington Apple Commission.