
HOUSE BILL 2568

State of Washington

60th Legislature

2008 Regular Session

By Representatives Blake, Newhouse, and Chase

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1 AN ACT Relating to the dairy products commission; amending RCW
2 15.44.020, 15.44.021, 15.44.030, and 15.44.032; and adding a new
3 section to chapter 15.44 RCW.

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

5 **Sec. 1.** RCW 15.44.020 and 2003 c 396 s 24 are each amended to read
6 as follows:

7 The dairy products commission shall be composed of not more than
8 ~~((ten))~~ nine members. There shall be one member from each district who
9 shall be a practical producer of dairy products(~~((7))~~) and one member
10 shall be a dealer(~~((, and one member shall be a producer who also acts
11 as a dealer))~~). The director of agriculture shall be a voting member of
12 the commission.

13 As used in this chapter, "director" means the director of
14 agriculture or his or her authorized representative.

15 **Sec. 2.** RCW 15.44.021 and 2003 c 396 s 25 are each amended to read
16 as follows:

17 (1) The director shall appoint the members of the commission.

1 (2) Candidates for producer member positions on the commission
2 shall be nominated under RCW 15.44.033.

3 (3) The director shall cause an advisory vote to be held for the
4 producer member positions. Advisory ballots shall be mailed to all
5 affected producers in the district where a vacancy is about to occur
6 and shall be returned to the director not less than thirty days prior
7 to the commencement of the term. The advisory ballot shall be
8 conducted in a manner so that it is a secret ballot. The names of the
9 two candidates receiving the most votes in the advisory vote shall be
10 forwarded to the director for potential appointment to the commission.
11 In the event there are only two candidates nominated for a position, an
12 advisory vote may not be held and the candidates' names shall be
13 forwarded to the director for potential appointment. If only one
14 candidate is nominated for a position, the ~~((commission shall select a
15 second candidate whose name will be forwarded to the))~~ director has the
16 discretion to appoint or reject the candidate.

17 (4) Any candidate whose name is forwarded to the director for
18 potential appointment shall submit to the director a letter stating why
19 he or she wishes to be appointed to the commission. The director may
20 select ~~((either person))~~ any candidate for the position or may reject
21 all candidates and request a new advisory vote with nominees selected
22 by the commission or, if the commission desires, by the director.

23 **Sec. 3.** RCW 15.44.030 and 1975 1st ex.s. c 136 s 2 are each
24 amended to read as follows:

25 Each of the producer members of the commission shall:

26 (1) Be a citizen and resident of this state and the district which
27 he or she represents; and

28 (2) Be and for the five years last preceding his or her election
29 have been actually engaged as an owner or shareholder in producing
30 dairy products within this state. These qualifications must continue
31 during each member's term of office.

32 The dealer member shall be actively engaged as a dealer in dairy
33 products or employed in a dealer capacity as an officer or employee at
34 management level in a dairy products organization.

35 **Sec. 4.** RCW 15.44.032 and 1975 1st ex.s. c 136 s 3 are each
36 amended to read as follows:

1 The regular term of office of each producer member of the
2 commission shall be three years. Commission members shall be first
3 nominated and elected in 1966 in the manner set forth in RCW 15.44.033
4 and shall take office as soon as they are qualified. However,
5 expiration of the term of the respective commission members first
6 elected in 1966 shall be as follows:

- 7 (1) District I and II on July 1, 1967;
- 8 (2) District III and IV on July 1, 1968; and
- 9 (3) District V, VI and VII on July 1, 1969.

10 The respective terms shall end on July 1st of each third year
11 thereafter. Any vacancies that occur on the commission shall be filled
12 by appointment by the ~~((other members of the commission, and such))~~
13 director from a list of candidates forwarded to the director by the
14 commission. If only one name is forwarded, the director has the
15 discretion to appoint or reject the candidate and, if rejected, request
16 additional candidates. The appointee shall hold office for the
17 remainder of the term for which he or she is appointed to fill, so that
18 commission memberships shall be on a uniform staggered basis.

19 The term of office of the first dealer appointed by the director
20 shall expire July 1, 1977~~((, and the term of office of the first~~
21 ~~producer who also acts as a dealer appointed by the director shall~~
22 ~~expire on July 1, 1978))~~. The term of office of each dealer ~~((and each~~
23 ~~producer who also acts as a dealer))~~ shall be three years or until such
24 time as a successor is duly appointed. Any vacancy for a dealer ~~((or~~
25 ~~a producer who also acts as a dealer))~~ shall be forthwith filled by the
26 director. The director, in making any appointments set forth herein,
27 may consider lists of nominees supplied ~~((him))~~ by dealers or producers
28 also acting as dealers.

29 NEW SECTION. Sec. 5. A new section is added to chapter 15.44 RCW
30 to read as follows:

31 If a commission member fails or refuses to perform his or her
32 duties due to excessive absence or abandonment of his or her position
33 or engages in any acts of dishonesty or willful misconduct, the
34 commission may recommend to the director that the commission member be
35 removed from his or her position on the commission. Upon receiving
36 such a recommendation, the director shall review the matter, including
37 any statement from the commission member who is the subject of the

1 recommendation, and determine whether adequate cause for removal is
2 present. If the director finds that adequate cause for removal exists,
3 the director shall remove the member from his or her commission
4 position. The position shall then be declared vacant and will be
5 filled pursuant to the provisions of this chapter for filling
6 vacancies.

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