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HOUSE BILL 2617

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State of Washington

60th Legislature

2008 Regular Session

By Representatives Blake, Kenney, Upthegrove, and Chase; by request of Washington Apple Commission

Prefiled 01/11/08. Read first time 01/14/08. Referred to Committee on Agriculture & Natural Resources.

1 AN ACT Relating to membership on the apple commission; amending RCW  
2 15.24.035 and 15.24.040; and adding a new section to chapter 15.24 RCW.

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

4 **Sec. 1.** RCW 15.24.035 and 2004 c 178 s 5 are each amended to read  
5 as follows:

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

7 (2) Candidates for positions on the commission shall be nominated  
8 to the director in accordance with subsection (3) of this section.

9 (3) Not less than sixty days nor more than seventy-five days prior  
10 to the commencement of a commission member's term, the commission shall  
11 cause an advisory vote to be held for the director-appointed positions.  
12 Advisory ballots shall be mailed to all affected producers for producer  
13 positions and to affected dealers for dealer positions and shall be  
14 returned to the commission not less than thirty days prior to the  
15 commencement of the term. The advisory ballot shall be conducted in a  
16 manner so that it is a secret ballot. The names of the two candidates  
17 receiving the most votes in the advisory vote shall be forwarded to the  
18 director for potential appointment to the commission. In the event  
19 only two candidates are nominated for a position, an advisory vote need

1 not be held and the candidates' names shall be forwarded to the  
2 director for potential appointment. If only one candidate is nominated  
3 for a position, (~~the commission shall select a second candidate whose~~  
4 ~~name will be forwarded to~~) the director has the discretion to appoint  
5 or reject the candidate.

6 (4) Any candidate whose name is forwarded to the director for  
7 potential appointment shall submit to the director a letter stating why  
8 he or she wishes to be appointed to the commission. The director may  
9 select (~~either person~~) any candidate for the position or may reject  
10 (~~both nominees~~) all candidates and request a new advisory vote with  
11 nominees selected by the commission and, if desired, by the director.

12 **Sec. 2.** RCW 15.24.040 and 2004 c 178 s 6 are each amended to read  
13 as follows:

14 The commission shall call a meeting of apple growers, and meetings  
15 of apple dealers in dealer district No. 1 and dealer district No. 2 for  
16 the purpose of nominating to the advisory ballot for nomination to the  
17 director their respective members of the commission, when a term is  
18 about to expire, or when a vacancy exists, except as provided in RCW  
19 15.24.050, as amended, at times and places to be fixed by the  
20 commission. The meetings shall be held (~~not later than February 15th~~  
21 ~~of~~) each year and insofar as practicable, the meetings of the growers  
22 shall be held at the same time and place as the annual meeting of the  
23 Washington state horticultural association, or the annual meeting of  
24 any other producer organization which represents a majority of the  
25 state's apple producers, as determined by the commission, but not while  
26 the same is in actual session. Public notice of such meetings shall be  
27 given by the commission in such manner as it may determine: PROVIDED,  
28 That nonreceipt of the notice by any interested person shall not  
29 invalidate the proceedings. Any qualified person may be nominated  
30 orally for such positions at the respective meetings. Nominations may  
31 also be made within five days after any such meeting by written  
32 petition filed in the office of the commission, signed by not less than  
33 five apple growers or dealers, as the case may be, residing within the  
34 district or within the subdivision if the nomination is made from a  
35 subdivision.

36 Nominees to be forwarded to the director for appointment to  
37 producer positions on the commission shall be selected by a majority of

1 the votes cast by the apple growers in the respective districts. Each  
2 grower who operates a commercial producing apple orchard within the  
3 district being represented, whether an individual proprietor,  
4 partnership, joint venture, or corporation, is entitled to one vote.  
5 As to bona fide leased or rented orchards, only the lessee-operator, if  
6 otherwise qualified, shall be entitled to vote. An individual  
7 commercial orchard operator, if otherwise qualified, shall be entitled  
8 to vote as such, even though he or she is also a member of a  
9 partnership or corporation which votes for other apple acreage.  
10 Nominees to be forwarded to the director for appointment to dealer  
11 positions on the commission shall be selected by a majority of the  
12 votes cast by the apple dealers in the respective districts, each  
13 dealer being entitled to one vote.

14 NEW SECTION. **Sec. 3.** A new section is added to chapter 15.24 RCW  
15 to read as follows:

16 If a commission member fails or refuses to perform his or her  
17 duties due to excessive absence or abandonment of his or her position  
18 or engages in any acts of dishonesty or willful misconduct, the  
19 commission may recommend to the director that the commission member be  
20 removed from his or her position on the commission. Upon receiving  
21 such recommendation, the director shall review the matter, including  
22 any statement from the commission member who is the subject of the  
23 recommendation, and determine whether adequate cause for removal is  
24 present. If the director finds that adequate cause for removal exists,  
25 the director shall remove the member from his or her commission  
26 position. The position shall then be declared vacant and must be  
27 filled pursuant to the provisions of this chapter for filling  
28 vacancies.

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