

CHAPTER 136

[Engrossed Senate Bill No. 2904]

STATE DAIRY PRODUCTS COMMISSION—
COMPOSITION—DUTIES—ASSESSMENTS

AN ACT Relating to dairy products; amending section 15.44.020, chapter 11, Laws of 1961 as amended by section 2, chapter 44, Laws of 1965 ex. sess. and RCW 15.44.020; amending section 15.44.030, chapter 11, Laws of 1961 as amended by section 4, chapter 44, Laws of 1965 ex. sess. and RCW 15.44.030; amending section 15.44.032, chapter 11, Laws of 1961 as amended by section 5, chapter 44, Laws of 1965 ex. sess. and RCW 15.44.032; amending section 15.44.090, chapter 11, Laws of 1961 and RCW 15.44.090; adding new sections to chapter 15.44 RCW; and repealing section 15.44.025, chapter 11, Laws of 1961, section 3, chapter 44, Laws of 1965 ex. sess. and RCW 15.44.025.

Be it enacted by the Legislature of the State of Washington:

Section 1. Section 15.44.020, chapter 11, Laws of 1961 as amended by section 2, chapter 44, Laws of 1965 ex. sess. and RCW 15.44.020 are each amended to read as follows:

There is hereby created a Washington state dairy products commission to be thus known and designated. The commission shall be composed of ((seven)) not more than ten members. There shall be one member from each district who shall be a practical producer((s)) of dairy products to be elected by such producers, one member shall be a dealer, and one member shall be a producer who also acts as a dealer, and such dealer and producer who acts as a dealer shall be appointed by the director of agriculture, and the director of agriculture ((who)) shall be an ex officio member without vote.

Sec. 2. Section 15.44.030, chapter 11, Laws of 1961 as amended by section 4, chapter 44, Laws of 1965 ex. sess. and RCW 15.44.030 are each amended to read as follows:

Each of the ((seven)) producer members of the commission shall:

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

(2) Be and for the five years last preceding his election have been actually engaged in producing dairy products within this state. These qualifications must continue during each member's term of office.

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

Sec. 3. Section 15.44.032, chapter 11, Laws of 1961 as amended by section 5, chapter 44, Laws of 1965 ex. sess. and RCW 15.44.032 are each amended to read as follows:

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

(1) District I and II on July 1, 1967;

(2) District III and IV on July 1, 1968; and

(3) District V, VI and VII on July 1, 1969.

The respective terms shall end on July 1st of each third year thereafter. Any vacancies that occur on the commission shall be filled by appointment by the other members of the commission, and such appointee shall hold office for the remainder of the term for which he is appointed to fill, so that commission memberships shall be on a uniform staggered basis.

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

Sec. 4. Section 15.44.090, chapter 11, Laws of 1961 and RCW 15.44.090 are each amended to read as follows:

All assessments shall be collected by the first dealer and deducted from the amount due the producer, and all moneys so collected shall be paid to the treasurer of the commission on or before the twentieth day of the succeeding month for the previous month's collections, and deposited by him in banks designated by the commission to the credit of the commission fund. If a dealer fails to remit any moneys so collected, or fails to make deductions for assessments, such sum shall, in addition to penalties provided in this chapter, be a lien on any property owned by him, and shall be reported to the county auditor by the commission, supported by proper and conclusive evidence, and collected in the manner and with the same priority over other creditors as prescribed for the collection of delinquent taxes.

NEW SECTION. Sec. 5. There is hereby added to chapter 15.44 RCW a new section to read as follows:

There is hereby levied on every hundredweight of Class I or Class II milk, as defined in section 6 of this 1975 amendatory act, sold by a dealer, including any milk sold by a producer who acts as a dealer, an assessment of:

(1) Five-eighths of one cent per hundredweight. Such assessment shall be in addition to the producer assessment paid by any producer who also acts as a dealer.

(2) Any additional assessment, within the power and duty of the commission to levy, such that the total assessment shall not exceed one cent per hundredweight, as required to effectuate the purpose of this section.

Such assessment may be increased by approval of dealers and producers who also act as dealers, subject to the standards set forth in RCW 15.44.130 for increasing or decreasing assessments. The funds derived from such assessment shall be used for educational programs in institutions of learning and the sum of such funds derived annually from said dealers and producers who act as dealers shall be matched by assessments derived from producers for the purpose of funding said educational purposes in institutions of learning by an amount not less than the moneys collected from dealers and producers who act as dealers.

NEW SECTION. Sec. 6. There is added to chapter 15.44 RCW a new section to read as follows:

For the purpose of section 5 of this 1975 amendatory act, class I and class II milk sold means milk from cows or goats produced by a producer as defined in RCW 15.44.010 and utilized as follows:

(1) Class I milk shall be all skim milk and butterfat:

(a) Sold in the form of fluid milk product subject to the following limitations and exceptions:

(i) Any products fortified with added nonfat milk solids shall be class I in an amount equal only to the weight of an equal volume of like unmodified product of the same butterfat content.

(ii) Fluid milk products in concentrated form shall be class I in an amount equal to the skim milk and butterfat used to produce the quantity of such products sold.

(iii) Products classified as class II pursuant to subsection (2) of this section are excepted.

(b) Packaged fluid milk products in inventory at the end of the month.

(2) Class II milk shall be all skim milk and butterfat:

(a) Used to produce ice cream, ice cream mix, frozen desserts, aerated cream products, plastic cream, soured cream dressing, yogurt, eggnog, cottage cheese, pot cheese, bakers cheese, cream cheese, neufchatel cheese, or starter; or

(b) Any milk or milk product, sterilized and either (i) packaged in hermetically sealed metal or glass containers and used to produce condensed milk and condensed skim milk, or (ii) in fluid milk products disposed of in bulk to commercial food processing establishments or producer milk sold to a commercial food processing establishment.

NEW SECTION. Sec. 7. There is added to chapter 15.44 RCW a new section to read as follows:

The commission shall delete, combine, revise, amend, or modify in any manner commission districts and boundaries by regulation as required and in accordance with the intent and provisions of this section. Commission districts established by statute prior to the effective date of this 1975 amendatory act shall remain in effect until superseded by such regulations.

The boundaries of the commission districts shall be maintained in a manner that assures each producer a representation in the commission which is reasonably equal with the representation afforded all other producers by their commission members.

The commission shall, when requested in accordance with the provisions of the administrative procedure act, chapter 34.04 RCW as enacted or hereafter amended, or on its own initiative, hold hearings to determine if new boundaries for each commission district should be established in order to afford each producer a reasonably equal representation in the commission, and if the commission so finds it shall change the boundaries of said commission districts to carry out the proper reapportionment of producer representation on the commission: PROVIDED, That the requirement of this section for reasonable equal representation of each producer on the commission need not require an equality of representation when the commission districts east of the crest of the Cascade mountains are compared

to the commission districts west of the crest of the Cascade mountains: PROVIDED FURTHER, That the area east of the crest of the Cascade mountains shall comprise not less than two commission districts.

The commission may in carrying out this reapportionment directive reduce the number of districts presently provided by prior law, whenever it is in the best interest of the producers and if such change would maintain reasonable apportionment for each historical production or marketing area: PROVIDED, That each elected commission member whose district may be consolidated with another district shall be allowed to serve out his term of office.

If the commission fails to carry out its directive as set forth herein for equal representation of each producer on the commission the director of agriculture may upon request by ten producers institute a hearing to determine if there is reasonably equal representation for each producer on the commission. If the director of agriculture finds that such reasonably equal representation is lacking, he then shall realign the district boundaries in a manner which will provide proper representation on the commission for each producer.

NEW SECTION. Sec. 8. Section 15.44.025, chapter 11, Laws of 1961, section 3, chapter 44, Laws of 1965 ex. sess. and RCW 15.44.025 are each repealed.

Passed the Senate April 21, 1975.

Passed the House May 23, 1975.

Approved by the Governor June 2, 1975.

Filed in Office of Secretary of State June 2, 1975.

CHAPTER 137

[Engrossed Senate Bill No. 2032]

SCHOOL SUPERINTENDENTS—CONTRACT RENEWAL

AN ACT Relating to school district superintendents; and amending section 28A.58.137, chapter 223, Laws of 1969 ex. sess. and RCW 28A.58.137.

Be it enacted by the Legislature of the State of Washington:

Section 1. Section 28A.58.137, chapter 223, Laws of 1969 ex. sess. and RCW 28A.58.137 are each amended to read as follows:

In all districts the board of directors shall elect a superintendent who shall hold a valid teacher's certificate and such other credentials as required by the state board of education. He shall have supervision over the several departments of the schools thereof and carry out such other powers and duties as prescribed by law. Notwithstanding the provisions of RCW 28A.58.100(1), the board may contract with such superintendent for a term not to exceed three years when deemed in the best interest of the district. The right to renew a contract of employment with any school superintendent shall rest solely with the discretion of the school board employing such school superintendent. Regarding such renewal contracts of