

CHAPTER 191.

[House Bill No. 416.]

STATE FRUIT COMMISSION.

AN ACT relating to agriculture; providing for the marketing of soft tree fruits; amending sections 15.28.020, 15.28.030, 15.28.040, 15.28.050, and 15.28.090, chapter 11, Laws of 1961 and RCW 15.28.020, 15.28.030, 15.28.040, 15.28.050, and 15.28.090; repealing and reenacting sections 15.28.060, chapter 11, Laws of 1961 as amended by section 2, chapter 51, Laws of 1963, and RCW 15.28.060; repealing and reenacting section 15.28.070, chapter 11, Laws of 1961 and RCW 15.28.070; and declaring an emergency.

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

RCW 15.28.020 amended.

Section 1. Section 15.28.020, chapter 11, Laws of 1961 and RCW 15.28.020 are each amended to read as follows:

Agriculture—  
State fruit  
commission—  
Creation—  
Composition.

A corporation to be known as the Washington state fruit commission is hereby created, composed of sixteen voting members, to wit: Ten producers, four dealers, and two processors, who shall be elected and qualified as herein provided. The director of agriculture, hereinafter in this 1967 amendatory act referred to as the director, or his duly authorized representative, shall be an ex officio member without a vote.

A majority of the voting members shall constitute a quorum for the transaction of any business.

RCW 15.28.030 amended.

Sec. 2. Section 15.28.030, chapter 11, Laws of 1961 and RCW 15.28.030 are each amended to read as follows:

Qualifications  
of voting  
members.

All voting members must be citizens and residents of this state. Each producer member must be over the age of twenty-five years, and be, and for five years have been, actively engaged in growing soft tree fruits in this state, and deriving a substantial portion of his income therefrom, or have a substantial amount of orchard acreage devoted to soft

tree fruit production as an owner, lessee, partner, or a stockholder owning at least ten percent of the voting stock in a corporation engaged in the production of soft tree fruit. He cannot be engaged directly in business as a dealer. Each dealer member must be actively engaged, either individually or as an executive officer, employee or sales manager on a management level, or managing agent of an organization, as a dealer. Each processor member must be engaged, either individually or as an executive officer, employee on a management level, sales manager, or managing agent of an organization, as a processor. Only one dealer member may be in the employ of any one person or organization engaged in business as a dealer. Only one processor member may be in the employ of any one person or organization engaged in business as a processor. Said qualifications must continue throughout each member's term of office.

Sec. 3. Section 15.28.040, chapter 11, Laws of 1961 and RCW 15.28.040 are each amended to read as follows:

RCW 15.28.040 amended.

Of the producer members, four shall be elected from the first district and occupy positions one, two, three and four; four shall be elected from the second district and occupy positions five, six, seven and eight, and two shall be elected from the third district and occupy positions nine and ten.

Election of voting members—Positions.

Of the dealer members, two shall be elected from each of the first and second districts and respectively occupy positions eleven and twelve from the first district and positions thirteen and fourteen from the second district.

The processor members shall be elected from the state at large and occupy positions fifteen and sixteen. The dealer member position previously referred to as position twelve shall henceforth be position thirteen. The processor member position hereto-

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fore referred to as position fourteen shall cease to exist on the effective date of this act. The processor member position heretofore referred to as thirteen shall be known as position sixteen.

RCW 15.28.050  
amended.

Sec. 4. Section 15.28.050, chapter 11, Laws of 1961 and RCW 15.28.050 are each amended to read as follows:

Terms of office  
—Rotation.

The regular term of office of the members of the commission shall be three years commencing on May 1, following the date of election and until their successors are elected and qualified, except, however, that the first term of dealer position twelve in the first district shall be for two years and expire May 1, 1969.

RCW 15.28.090  
amended.

Sec. 5. Section 15.28.090, chapter 11, Laws of 1961 and RCW 15.28.090 are each amended to read as follows:

Per diem and  
expenses.

No member of the commission shall receive any salary or other compensation but each member shall receive the sum of twenty dollars per day for each day spent in actual attendance on or in traveling to and from meetings of the commission or on special assignment for the commission, together with actual expenses incurred in carrying out the provisions of this chapter.

RCW 15.28.060  
repealed and  
reenacted.

Sec. 6. Section 15.28.060, chapter 11, Laws of 1961 as amended by section 2, chapter 51, Laws of 1963 and RCW 15.28.060 are each repealed and reenacted to read as follows:

Meetings for  
elections—  
Notice,  
publication—  
Election.

The director shall call meetings at times and places concurred upon by the director and the commission for the purpose of nominating producer, dealer or processor members for election to the commission when such members' terms are about to expire. Notice of such meetings shall be given at least sixty days prior to the time the respective members' term is about to expire. The nominating

meetings shall be held at least sixty days prior to the expiration of the respective members' term of office.

Notice shall be given by the commission by mail to all known persons having a right to vote for such respective nominee's election to the commission.

Further, the commission shall publish notice at least once in a newspaper of general circulation in the district where the nomination is to be held. Such a newspaper may be published daily or weekly. The failure of any person entitled to receive notice of such nominating meeting shall not invalidate such nominating meeting or the election of a member nominated at such meeting.

Any person qualified to serve on the commission may be nominated orally at said nomination meetings. Written nominations, signed by five persons qualified to vote for the said nominee, may be made for five days subsequent to said nomination meeting. Such written nominations shall be filed with the commission at its Yakima office.

Members of the commission shall be elected by a secret mail ballot, and such election shall be conducted under the supervision of the director, and the elected candidate shall become a member of the commission upon certification of the director that said elected candidate has satisfied the required qualifications for membership on the commission.

When only one nominee is nominated for any position on the commission, the director shall, if such nominee satisfies the requirements of the position for which he was nominated, certify the said nominee as to his qualifications and then it shall be deemed that said nominee has been duly elected. Nominees receiving a majority of the votes in an election shall be considered to have been elected and if more than one position is to be filled in a district or at large, the nominees respectively receiving the

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largest number of votes shall be deemed to have been elected to fill the vacancies from said districts or areas on the commission. Persons qualified to vote for members of the commission shall, except as otherwise provided by law or rule or regulation of the commission, vote only in the district in which their activities make them eligible to vote for a member of the commission.

A producer to be eligible to vote in an election for a producer member of the commission must be a commercial producer of soft tree fruits paying assessments to the commission.

When a legal entity acting as a producer, dealer, or processor is qualified to vote for a candidate in any district or area to serve in a specified position on the commission, such legal entity may cast only one vote for such candidate, regardless of the number of persons comprising such legal entity or stockholders owning stock therein.

RCW 15.28.070  
repealed and  
reenacted.

Sec. 7. Section 15.28.070, chapter 11, Laws of 1961 and RCW 15.28.070 are each repealed and reenacted to read as follows:

Powers and  
duties—Rules  
—Hearings,  
etc.

The commission shall have the authority, subject to the provisions of chapter 34.04 RCW (Administrative Procedure Act), for adopting rules and regulations, after public hearing, establishing one or more subdistricts in any one of the three districts. Such subdistricts shall include a substantial portion of the soft tree fruit producing area in the district in which they are formed.

The commission shall, when a subdistrict has been formed within one of the districts as in this section provided for, assign one of the districts' producer positions on the commission to said subdistrict. Such producer position may only be filled by a producer residing in such subdistrict, whether by election, apportionment, or appointment.

Sec. 8. Present members of the state fruit commission as provided for in section 1 of this 1967 amendatory act shall serve until the first day of May of the year in which their terms would ordinarily expire and until their successors are elected and qualified.

Terms of present members.

Sec. 9. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately: *Provided*, That section 5 of this 1967 amendatory act shall not take effect until July 1, 1968.

Emergency.

Passed the House February 8, 1967.

Passed the Senate March 6, 1967.

Approved by the Governor March 21, 1967.

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## CHAPTER 192.

[Engrossed House Bill No. 319.]

### PUBLIC LIVESTOCK MARKETS.

AN ACT relating to the regulation of public livestock markets; amending section 17, chapter 107, Laws of 1959 and RCW 16.65.170; and amending section 34, chapter 107, Laws of 1959 and RCW 16.65.340.

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

Section 1. Section 17, chapter 107, Laws of 1959 and RCW 16.65.170 are each amended to read as follows:

RCW 16.65.170 amended.

The licensee shall keep accurate records which shall be available for inspection to all parties directly interested therein, and such records shall contain the following information:

Public live-stock markets — Licensee to keep records.

(1) The date on which each consignment of live-stock was received and sold.