

FROM: Department of Agriculture  
(Name of Agency)

TO: CODE REVISER  
LEGISLATIVE BLDG. (Southwest Corner, Ground Floor)  
OLYMPIA 98504

The enclosed rules  Permanent rules, being Order No. 1405  
 Emergency rules

relating to (Name of rules or description of subject matter)  
to amend W.A.C. 16-512-020 Fryer Commission-Structure, Powers, Duties and  
Procedure, (Marketing Order for Washington Fryers, Broilers and Roasters) to  
create one representative district to include all the State of Washington  
and to elect the elected producer positions at large.

(ALTERNATIVE A. Use only for adoption of permanent rules)

pursuant to Notice No. 5189 <sup>①</sup> filed with the code reviser  
on 4/10/75 <sup>②</sup> were regularly adopted as permanent rules of  
(date)  
this agency at Olympia on July 7 and are herewith  
(place) (date)  
filed in the office of the code reviser pursuant to chapter 34.04  
RCW. The effective date of such rules shall be \_\_\_\_\_ <sup>③</sup>

(ALTERNATIVE B. Use only for adoption of emergency rules)

pursuant to its finding in the attached administrative order,  
that the immediate adoption of these rules is necessary for the  
preservation of the public health, safety, or general welfare and  
that observance of the requirements of notice and opportunity to  
present views on the proposed action would be contrary to the  
public interest, were regularly adopted as emergency rules of this  
agency at \_\_\_\_\_ on \_\_\_\_\_ and  
(place) (date)  
are herewith filed in the office of the code reviser pursuant to  
chapter 34.04 RCW.

The undersigned hereby certifies that the requirements of chapter  
34.04 RCW and of the Open Public Meetings Act of 1971, chapter  
42.30 RCW have been fulfilled.

Dated this seventh day of July 1975.

STATE OF WASHINGTON  
**FILED**  
JUL 7 1975  
CODE REVISER'S OFFICE

State Department of Agriculture  
(AGENCY)  
Stewart Bledsoe  
By Stewart Bledsoe  
\_\_\_\_\_  
DIRECTOR  
Title

- <sup>①</sup>Notice number as appears on the copy of notice returned to you by  
reviser's office (if proceedings were continued, use no. of last notice)  
<sup>②</sup>Stamped date as appears on the copy of notice returned to you by  
reviser's office (if proceedings were continued, use date of last notice)  
<sup>③</sup>Unless a later date is specified in this order or is prescribed in  
another statute, rules are effective 30 days after filing:  
RCW 34.04.040. Leave this space blank except in such special cases.  
[Order 9, filed 9/25/74, eff. 10/25/74] [Form CR-2: Rev. 9/21/74]

STATE OF WASHINGTON  
DEPARTMENT OF AGRICULTURE

ADMINISTRATIVE ORDER NO. 1405

(1) I, Stewart Bledsoe, Director of the Department of Agriculture of the State of Washington, by virtue of the authority vested in me under Chapter 34.04 RCW and Chapter 15.66 RCW, after due notice and in a meeting open to the public, held at the Conference Room, 1st Floor, General Administration Building, Olympia, Washington, on May 2, 1975, as required by Chapters 34.04 and 42.30 RCW, and as approved by producer referendum as required by Chapter 15.66 RCW conducted between May 29, 1975, and June 30, 1975, do promulgate and adopt the annexed rules and regulations, to wit:

amending WAC 16-512-020 to create one representative district to include all the State of Washington and to elect the elected producer position at large

as permanent rules of this agency.

(2) This order after being first recorded in the order register of this agency shall be forwarded to the Code Reviser for filing pursuant to Chapter 34.04 RCW and Chapter 1-12 WAC.

APPROVED AND ADOPTED July 7, 1975

By Stewart Bledsoe

Stewart Bledsoe  
Director

WAC 16-512-020 FRYER COMMISSION--STRUCTURE, POWERS,  
DUTIES, AND PROCEDURE.

(1) Establishment and membership. A fryer commission is hereby established to administer this marketing order which shall be composed of six members who shall be producers elected at large as provided in subsection (2) of this section and two members who shall be appointed by the elected producer members. In addition, the director shall be an ex-officio member of the commission.

(2) Representative membership. For the purpose of nomination and election of producer members of the commission, the affected area of the State of Washington shall be one representative district. Each elected producer position shall be elected at large and shall be numbered one through six. Positions appointed by the elected producer members shall be numbered seven and eight.

(3) Membership qualifications. Commission members shall be citizens and residents of this State, over the age of twenty-five years. Producer members of the commission shall be producers of fryers in this State. The qualifications of producer members of the commission as herein set forth must continue during their term of office. Members appointed by the elected producers shall be either fryer producers, others active in matters relating to fryers, or persons not so related.

(4) Term of office. The term of office of the commission members shall be three years from the date of their election and until their successors are elected and qualified; provided, however, that the initial members of the commission shall serve from the effective date of this marketing order in terms terminating as follows: Positions 3 and 6 shall terminate December 31, 1957; Positions 1 and 5 shall terminate December 31, 1958; and Positions 2 and 4 shall terminate December 31, 1959. One appointed member's term, being Position 7, shall terminate December 31, 1958, and the second appointed member's term, being Position 8, shall terminate December 31, 1959.

(a) The appointed members of the initial commission shall be elected by a majority of the elected commissioners at the first meeting of said commission.

(b) With respect to the establishment of positions at large, commission members in office shall serve out their terms.

(5) Nomination and election of commission members.

(a) Not earlier than September 17 and not later than October 2 of each year, the director shall give notice by mail to all producers of such vacancy or vacancies and call for nominations. Nominating petitions shall be signed by five persons qualified to vote for such candidates. Such notice shall state the final date for filing said petitions which shall be not earlier than October 8 and not later than October 13 of each year.

(b) The director shall submit ballots by mail to all producers not earlier than October 18 and not later than November 2 of each year. Ballots shall be returned not later than December 2 of each year. Such mailed ballot shall be conducted in a manner so that it shall be a secret ballot in accordance with rules and regulations to be promulgated by the director.

(c) With respect to the initial fryer commission, the director shall call for nominations in the notice of his decision following the hearing designated in the act. The ballot specified herein shall be forwarded to the producer at the time the director's proposed marketing order is mailed to the producers for their referendum assent.

(d) Except with respect to the initial fryer commission, the members of the commission not elected by the producers shall be elected by a majority of the commission within ninety days prior to the expiration of the term.

(6) Vacancies.

(a) To fill any vacancy occasioned by the failure to qualify of any person elected by the producers as a member of the commission, or in the event of the death, removal, resignation or disqualification of any member, the director shall call for nominations and conduct such election in the manner provided in subsection (5) of this section.

(b) To fill nonelective vacancies caused by reasons other than the expiration of the term, the new members shall be elected by the commission at its first meeting after the occurrence of the vacancy.

(7) Powers and duties of commission. The commission shall have the following powers and duties:

(a) To administer, enforce, direct and control the provisions of this marketing order and of the act relating thereto;

(b) To elect a chairman and such other officers as the commission may deem advisable;

(c) To adopt, rescind, and amend rules and regulations reasonably necessary for the administration and operation of the commission and the enforcement of its duties under this marketing order;

(d) To employ and discharge at its discretion such administrators and additional personnel, attorneys, advertising and research agencies and other persons and firms that it may deem appropriate and pay compensation to the same;

(e) To acquire personal property and lease office space and other necessary real property and transfer and convey the same;

(f) To institute and maintain in its own name any and all legal actions, including actions by injunction, mandatory injunction or civil recovery, or proceedings, before administrative tribunals or other governmental authorities necessary to carry out the provisions of the act and of this marketing order;

(g) To keep accurate records of all its receipts and disbursements, which records shall be open to inspection and audit by the department and other legal agencies of the state and make annual reports therefrom to the state auditor.

(h) To borrow money and incur indebtedness;

(i) To make necessary disbursements for routine operating expenses;

(j) To collect the assessments of producers as provided in this marketing order and to expend the same in accordance with and to effectuate the purposes of the act and this order;

(k) To prepare a budget or budgets covering anticipated income and expenses to be incurred in carrying out the provisions of this marketing order during each fiscal year;

(l) To accept and receive gifts, grants, and contributions and expend the same to effectuate the purposes of the act and this order;

(m) To exercise such other powers and perform such other duties as are necessary and proper to effectuate the purposes of the act and of this order.

(8) Procedure for commission.

(a) The commission may by resolution establish a

headquarters which shall continue as such unless and until so changed by the commission, at which headquarters shall be kept the books, records, and minutes of the commission meetings.

(b) The commission shall hold regular meetings at least quarterly, with the time and date thereof to be fixed by the resolution of the commission.

(c) The commission may hold such special meetings as it may deem advisable and shall establish by resolution the time, place, and manner of calling such special meetings with reasonable notice to the members; provided, however, that the notice of any special meeting may be waived by a waiver thereof signed by not less than a quorum of the membership.

(d) Any action taken by the commission shall require the majority vote of the members present, provided a quorum is present.

(e) A quorum of the commission shall consist of at least five members.

(f) No member of the commission shall receive any salary or other compensation from the commission, except that each member shall be paid a specified sum to be determined by resolution of the commission not to exceed \$20.00 per day for each day spent in the actual attendance at or traveling to and from meetings of the commission or on special assignments for the commission, together with subsistence and travel expenses at the rate allowed by law to state employees.

(9) Limitation of liability of commission members and employees. Obligations incurred by the commission and any other liabilities or claims against the commission shall be enforced only against the assets of the commission in the same manner as if it were a corporation and no liability for the debts or actions of the commission shall exist against either the State of Washington or any subdivision or instrumentality thereof or against any other commission established pursuant to the act or the assets thereof or against any member officer, employee, or agent of the commission in his individual capacity. The members of the commission, including employees thereof, shall not be held responsible individually in any way whatsoever to any person for errors in judgment, mistakes, or other acts either of commission or omission, as principal, agent, person or employee, except for their own individual acts of dishonesty or crime. No such person or employee shall be held responsible individually for any act or omission of any other member of the commission. The liability of the members of the commission shall be several and not joint and no member shall be liable for the default of any other member.