

• providing for the creation
of a wheat Commission

STATE OF WASHINGTON
DEPARTMENT OF AGRICULTURE
AGRICULTURE AND MARKETING DIVISION
Olympia

JOE DWYER
Director

HENRY SEIDEL
Assistant Director

MARKETING ORDER FOR WASHINGTON WHEAT

STATE OF WASHINGTON
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DIRECTOR'S FINAL DECISION
December 4, 1957

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MARKETING ORDER FOR WASHINGTON WHEAT

A R T I C L E I

DEFINITIONS

Section A. DEFINITION OF TERMS. As used in this Marketing Order, the following terms shall have the following meanings:

1. "Director" means the Director of Agriculture of the State of Washington or his duly appointed representatives.
2. "Act" means the Washington Agricultural Enabling Act, being Chapter 191, Session Laws of Washington, 1955.
3. "Person" includes any individual, firm, corporation, trust, association, partnership, society or any other organization of individuals.
4. "Producer" means any person who is engaged in the business of producing or causing to be produced for market, in commercial quantities, wheat grown in the designated affected area of the State of Washington.
5. "Commercial Quantities" shall mean and include five-hundred (500) or more bushels of wheat produced for market in any calendar year by any producer.
6. "Wheat" means and includes all kinds and varieties of wheat grown in the State of Washington.
7. "Wheat Commission" or "Commission" are synonymous and mean the Commission established pursuant to the provisions of Article II of this Marketing Order.
8. "Marketing Season" or "Fiscal Year" are synonymous and mean the twelve month period beginning January 1 of any year and ending upon the last day of December, both dates inclusive.
9. "Handler" means any person engaged in the business of handling, selling, processing, storing, shipping, or distributing wheat which he has purchased or acquired from a producer, or which he is shipping for or on behalf of a producer, and shall include any lending agency, for a commodity credit corporation loan to producers.
10. "Commercial Channels" means the sale of wheat for use as food, feed, seed or any industrial or chemurgic use, when sold to any commercial buyer, dealer,

processor, cooperative, or to any person, public or private, who resells any wheat, or products produced from wheat.

11. "Affected Area" shall mean and include the following counties located in the State of Washington: Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas, Klickitat, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman and Yakima.

A R T I C L E I I
W H E A T C O M M I S S I O N

Section A. ESTABLISHMENT AND MEMBERSHIP. A Wheat Commission is hereby established to administer this Marketing Order and shall be composed of five (5) members who shall be producers elected as provided in this Article and two (2) members who shall be appointed by the elected producer members. In addition, the Director shall be an ex officio member of the Commission.

Section B. REPRESENTATIVE DISTRICTS. The affected area shall be divided into the five (5) following districts:

DISTRICT I - One Commission Member

Ferry County
Lincoln County
Pend Oreille County
Spokane County
Stevens County

DISTRICT II - One Commission Member

Whitman County

DISTRICT III - One Commission Member

Asotin County
Columbia County
Garfield County
Walla Walla County

DISTRICT IV - One Commission Member

Adams County
Chelan County
Douglas County
Grant County
Okanogan County

DISTRICT V - One Commission Member

Benton County
Franklin County
Kittitas County
Klickitat County
Yakima County

Each district shall nominate one or more nominees but elect one Commission member only.

Section C. 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 wheat in the district in and for which they are nominated and elected. The qualifications of producer members of the Commission as herein set forth must continue during their term of office.

Section D. TERM OF OFFICE - INITIAL COMMISSION. The term of office of Commission members shall be three (3) years from the date of their election and until their successors are elected and qualified. The terms of office for the initial Commission members shall be as follows:

Districts I and II shall terminate December 31, 1958.

Districts III and IV shall terminate December 31, 1959.

District V shall terminate December 31, 1960.

One appointed member's term shall terminate December 31, 1959.

The second appointed member's term shall terminate December 31, 1960.

The appointed members of the initial Commission shall be elected by a majority of the elected commissioners at the first meeting.

Section E. NOMINATION AND ELECTION OF COMMISSION MEMBERS.

1. Nomination and election of Commission members shall be as set forth in the Act and specified by the Director. Dates will be set as follows:

a. Nominating petitions shall be sent not earlier than September 17th and not later than October 2nd of each year in the district wherein a vacancy will occur. Nominating petitions shall be signed by not less than five (5) affected producers of the district from which such a candidate will be elected.

b. Filing of nominating petitions shall be mailed to the Director not earlier than October 8th and not later than October 13th of each year.

c. Ballots will be mailed to all producers in the district wherein a vacancy will occur, not earlier than October 18th and not later than November 2nd of each year.

d. Ballots shall be returned not later than December 2nd of such year.

2. With respect to the initial Wheat Commission, the Director shall call for nominations with the notice of his final decision following the hearing. The ballot

for the election of commissioners shall be secret and shall be forwarded to the producers at the same time the Director's proposed Marketing Order is mailed to the producers for their assent.

Section F. VACANCIES.

1. 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 within the district wherein the vacancy occurred, in the manner provided in Section E of this Article.

2. To fill nonelective vacancies caused by other reasons 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.

Section G. POWERS AND DUTIES OF COMMISSION. The Commission shall have the powers and duties, as specified under Section 14 of the Enabling Act, and shall include but not be limited to the following:

1. 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 Marketing Order.

2. 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.

3. To accept and receive gifts and grants and expend same.

Section H. PROCEDURE FOR COMMISSION.

1. The Commission shall, 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.

2. The Commission shall hold regular meetings, at least quarterly, with the time and date thereof to be fixed by the Resolution of the Commission.

3. The Commission shall hold an annual meeting, at which time an annual report

will be presented. The proposed budget shall be presented for discussion at the meeting. Notice of the annual meeting shall be given by the Wheat Commission at least ten (10) days prior to the meeting, through the regular wire news services and radio-television press.

4. The Commission shall establish by Resolution, the time, place and manner of calling 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 each member thereof.

5. Any action taken by the Commission shall require the majority vote of the members present, provided a quorum is present.

6. A quorum of the Commission shall consist of at least five (5) members.

7. No members of the Commission shall receive any salary or other compensation from the Commission, except that each member shall receive an amount not to exceed \$20.00 per day for each day spent in actual attendance at or traveling to and from meetings of the Commission or on special assignments for the Commission, together with subsistence and travel expense allowed by law to State employees.

A R T I C L E I I I

MARKETING ORDER PURPOSES

Section A. PURPOSES. The Marketing Order for Wheat is to promote the general welfare of the State, to enable the producers of wheat to help themselves establish orderly, fair, sound, efficient, unhampered marketing, grading and standardization of wheat.

1. To establish plans and conduct programs for advertising and sales promotion, to maintain present markets or to create new or larger markets for wheat grown in the State of Washington.

2. To provide for carrying on research studies to find more efficient methods of production, processing, handling and marketing of wheat.

3. To provide for improving standards and grades of wheat by defining, establishing and providing labeling requirements with respect to the same.

4. To investigate and take necessary action to prevent unfair trade practices.

A R T I C L E I V
ASSESSMENTS AND COLLECTION

Section A. ASSESSMENTS. The annual Assessment on wheat shall be one-fourth cent (1/4¢) per bushel. The assessment shall be levied and paid by the producer, or deducted, as provided in this Article, whether the wheat is sold in this or any other State.

Section B. COLLECTION OF ASSESSMENTS. The collection of the assessment made and levied by the Wheat Commission, pursuant to the provisions of the Act, shall be paid by the producer thereof upon all commercial quantities of wheat sold, processed, stored or delivered for sale, processing or storage by him, under any or all of the methods of collection set forth in Section 15 of the Act, in accordance with rules and regulations to be promulgated by the Wheat Commission, provided, However, that no assessment shall be levied or collected on wheat grown and used by the producer for feed, seed or personal consumption.

Section C. FUNDS. All monies collected by the Wheat Commission shall be used only for the purposes of paying for the costs or expenses arising in connection with carrying out the purposes and provisions of the Act and the Wheat Marketing Order.

At the end of each fiscal year, the Commission shall credit each producer with any amount paid by such producer in excess of one-fourth cent (1/4¢) per bushel of wheat. Refund may be made only upon satisfactory proof given by the producer in accordance with reasonable rules and regulations prescribed by the Director.

A R T I C L E V
EFFECTIVE TIME

This Marketing Order for Wheat shall become effective on and after April 30, 1958.

A R T I C L E VI
SEPARABILITY

Section A. SEPARABILITY. If any provisions hereof are declared invalid, or the applicability thereof to any person, circumstances or thing is held invalid, the validity of the remainder hereof or of the applicability thereof to any other person, circumstances or thing shall not be affected thereby.


FINAL DECISION

I, Joe Dwyer, Director of Agriculture of the State of Washington, after due consideration given to all objections filed to the recommended decision previously issued, do hereby execute and issue this final decision approving a Marketing Order for Washington Wheat and the formation of a Washington Wheat Commission.

I do hereby approve the Marketing Order contained in my recommended decision dated November 19, 1957, the text of which Marketing Order is hereto attached in full and made a part hereof.

I direct that said Marketing Order be submitted to a referendum vote of all affected wheat producers, as listed on the affected producers' list heretofore established.

Dated at Olympia, Washington, this fourth day of December, 1957.



Joe Dwyer
Director of Agriculture