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**SUBSTITUTE HOUSE BILL 2999**

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**State of Washington**

**56th Legislature**

**2000 Regular Session**

**By** House Committee on Agriculture & Ecology (originally sponsored by Representatives G. Chandler and Linville)

Read first time 02/04/2000. Referred to Committee on .

1 AN ACT Relating to the Washington state beef commission; and  
2 amending RCW 16.67.040, 16.67.090, 16.67.100, 16.67.110, 16.67.120,  
3 16.67.122, and 16.67.130.

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

5 **Sec. 1.** RCW 16.67.040 and 1997 c 363 s 1 are each amended to read  
6 as follows:

7 There is hereby created a Washington state beef commission to be  
8 thus known and designated. The commission shall be composed of two  
9 beef producers, two dairy (beef) producers, two feeders, one livestock  
10 salesyard operator, and one meat packer. If an otherwise voting member  
11 is elected as the chair of the commission, the member may, during the  
12 member's term as chair of the commission, cast a vote as a member of  
13 the commission only to break a tie vote. In addition there ((will))  
14 may be one ex officio member without the right to vote from the  
15 department of agriculture to be designated by the director thereof and,  
16 if the commission so chooses, one additional nonvoting member in an  
17 advisory capacity appointed by the voting members of the commission for  
18 such a term as the voting members may set.

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

3 All appointed members as stated in RCW 16.67.060 shall be citizens  
4 and residents of this state, over the age of twenty-five years, each of  
5 whom is and has been actually engaged in that phase of the cattle  
6 industry he or she represents for a period of five years, and has  
7 during that period derived a substantial portion of his or her income  
8 therefrom, or have a substantial investment in cattle as an owner,  
9 lessee, partner, or a stockholder owning at least ten percent of the  
10 voting stock in a corporation engaged in the production of cattle or  
11 dressed beef, or a manager or executive officer of such corporation.  
12 Producer members of the commission shall not be directly engaged in the  
13 business of being a meat packer, or as a feeder, feeding cattle other  
14 than their own. Said qualifications must continue throughout each  
15 member's term of office.

16 **Sec. 2.** RCW 16.67.090 and 1982 c 81 s 3 are each amended to read  
17 as follows:

18 The powers and duties of the commission shall include the  
19 following:

20 (1) To administer and enforce the provisions of this chapter, and  
21 do all things reasonably necessary to effectuate the purposes of this  
22 chapter;

23 (2) To elect a chairman and such other officers as it deems  
24 advisable;

25 (3) To employ and discharge at its discretion a manager, secretary,  
26 and such other personnel, including attorneys engaged in the private  
27 practice of law subject to the approval and supervision of the attorney  
28 general, as the commission determines are necessary and proper to carry  
29 out the purposes of this chapter, and to prescribe their duties and  
30 powers and fix their compensation;

31 (4) To adopt, rescind, and amend rules, regulations and orders for  
32 the exercise of its powers hereunder subject to the provisions of  
33 chapter 34.05 RCW (Administrative Procedure Act) as now or hereafter  
34 amended;

35 (5) To establish by resolution, a headquarters which shall continue  
36 as such unless and until so changed by the commission. All records,  
37 books and minutes of the commission shall be kept at such headquarters;

1 (6) To require a bond of all commission members and employees of  
2 the commission in a position of trust in the amount the commission  
3 shall deem necessary. The premium for such bond or bonds shall be paid  
4 by the commission from assessments collected. Such bond shall not be  
5 necessary if any such commission member or employee is covered by any  
6 blanket bond covering officials or employees of the state of  
7 Washington.

8 (7) To establish a beef commission revolving fund, such fund to be  
9 deposited in a bank or banks or financial institution or institutions,  
10 approved for the deposit of state funds, in which all money received by  
11 the commission, except an amount of petty cash for each day's needs not  
12 to exceed one hundred dollars, shall be deposited each day or as often  
13 during the day as advisable; none of the provisions of RCW 43.01.050 as  
14 now or hereafter amended shall apply to money collected under this  
15 chapter;

16 (8) To prepare a budget or budgets covering anticipated income and  
17 expenses to be incurred in carrying out the provisions of this chapter  
18 during each fiscal year;

19 (9) To incur expense and enter into contracts and to create such  
20 liabilities as may be reasonable for the proper administration and  
21 enforcement of this chapter;

22 (10) To borrow money, not in excess of its estimate of its revenue  
23 from the current year's contributions;

24 (11) To keep or cause to be kept in accordance with accepted  
25 standards of good accounting practice, accurate records of all  
26 assessments, expenditures, moneys and other financial transactions made  
27 and done pursuant to this chapter. Such records, books and accounts  
28 shall be audited at least every five years subject to procedures and  
29 methods lawfully prescribed by the state auditor. Such books and  
30 accounts shall be closed as of the last day of each fiscal year (~~of~~  
31 ~~the state of Washington~~). A copy of such audit shall be delivered  
32 within thirty days after completion thereof to the director, the state  
33 auditor and the commission. On such years and in such event the state  
34 auditor is unable to audit the records, books and accounts within six  
35 months following the close of the audit period it shall be mandatory  
36 that the commission employ a private auditor to make such audit;

37 (12) To sue and be sued as a commission, without individual  
38 liability for acts of the commission within the scope of the powers  
39 conferred upon it by this chapter;

1 (13) To cooperate with any other local, state, or national  
2 commission, organization or agency, whether voluntary or established by  
3 state or federal law, including recognized livestock groups, engaged in  
4 work or activities similar to the work and activities of the commission  
5 created by this chapter and make contracts and agreements with such  
6 organizations or agencies for carrying on joint programs beneficial to  
7 the beef industry;

8 (14) To accept grants, donations, contributions or gifts from any  
9 governmental agency or private source for expenditures for any purpose  
10 consistent with the provisions of this chapter;

11 (15) To operate jointly with beef commissions or similar agencies  
12 established by state laws in adjoining states.

13 **Sec. 3.** RCW 16.67.100 and 1969 c 133 s 9 are each amended to read  
14 as follows:

15 The commission shall hold regular meetings, at least quarterly,  
16 with the time and date thereof to be fixed by resolution of the  
17 commission.

18 The commission shall hold an annual meeting(~~(, at which time an~~  
19 ~~annual report will be presented)~~). The proposed budget shall be  
20 presented for discussion at the meeting. Notice of the annual meeting  
21 shall be given by the commission at least ten days prior to the meeting  
22 by public notice of such meeting published in newspapers of general  
23 circulation in the state of Washington, by radio and press releases and  
24 through trade publications.

25 The commission shall establish by resolution, the time, place and  
26 manner of calling special meetings of the commission with reasonable  
27 notice to the members: PROVIDED, That, the notice of any special  
28 meeting may be waived by a waiver thereof by each member of the  
29 commission.

30 **Sec. 4.** RCW 16.67.110 and 1969 c 133 s 10 are each amended to read  
31 as follows:

32 The commission shall provide for programs designed to increase the  
33 consumption of beef; develop more efficient methods for the production,  
34 processing, handling and marketing of beef; eliminate transportation  
35 rate inequalities on feed grains and supplements and other production  
36 supplies adversely affecting Washington producers; properly identify

1 beef and beef products for consumers as to quality and origin. For  
2 these purposes the commission may:

3 (1) Provide for programs for advertising, sales promotion and  
4 education, locally, nationally or internationally, for maintaining  
5 present markets and/or creating new or larger markets for beef. Such  
6 programs shall be directed toward increasing the sale of beef (~~((without  
7 reference to any particular brand or trademark))~~) and shall neither make  
8 use of false or unwarranted claims in behalf of beef nor disparage the  
9 quality, value, sale or use of any other agricultural commodity;

10 (2) Provide for research to develop and discover the health, food,  
11 therapeutic and dietetic value of beef and beef products thereof;

12 (3) Make grants to research agencies for financing studies,  
13 including funds for the purchase or acquisition of equipments and  
14 facilities, in problems of beef production, processing, handling and  
15 marketing;

16 (4) Disseminate reliable information founded upon the research  
17 undertaken under this chapter or otherwise available;

18 (5) Provide for rate studies and participate in rate hearings  
19 connected with problems of beef production, processing, handling or  
20 marketing; and

21 (6) Provide for proper labeling of beef and beef products so that  
22 the purchaser and the consuming public of the state will be readily  
23 apprised of the quality of the product and how and where it was  
24 processed.

25 **Sec. 5.** RCW 16.67.120 and 1987 c 393 s 11 are each amended to read  
26 as follows:

27 (1) (~~((Except as provided in subsection (2) of this section,))~~) There  
28 is hereby levied an assessment of (~~((fifty cents))~~) one dollar per head  
29 on all Washington cattle sold in this state or elsewhere to be paid by  
30 the seller at the time of sale: (~~((PROVIDED, That if the assessment  
31 levied pursuant to this section is greater than one percent of the  
32 sales price, the animal is exempt from the assessment unless the  
33 federal order implementing the national beef promotion and research  
34 program establishes an assessment on these animals:))~~) PROVIDED  
35 ((FURTHER)), That if such sale is accompanied by a brand inspection by  
36 the department such assessment (~~((shall))~~) may be collected at the same  
37 time, place and in the same manner as brand inspection fees. Such fees  
38 (~~((shall))~~) may be collected by the livestock services division of the

1 department and transmitted to the commission: PROVIDED FURTHER, That,  
2 if such sale is made without a brand inspection by the department the  
3 assessment shall be paid by the seller and transmitted directly to the  
4 commission ((not later than thirty days following the sale)) by the  
5 fifteenth day of the month following the month the transaction  
6 occurred.

7 (2) ((While the federal order implementing the national beef  
8 promotion and research program is in effect, the assessment to be  
9 levied and)) The procedures for ((its collection)) collecting all state  
10 and federal assessments under this chapter shall be as required by the  
11 federal order and as described by rules adopted by the commission.

12 **Sec. 6.** RCW 16.67.122 and 1986 c 190 s 1 are each amended to read  
13 as follows:

14 In addition to the assessment authorized pursuant to RCW 16.67.120,  
15 the commission ((shall have)) has the authority to collect an  
16 additional assessment of fifty cents per head for cattle subject to  
17 assessment by federal order for the purpose of providing funds for a  
18 national beef promotion and research program. The manner in which this  
19 assessment will be levied and collected shall be established by rule.  
20 The authority to collect this assessment shall be contingent upon the  
21 implementation of federal legislation providing for a national beef  
22 promotion and research program and the establishment of the assessment  
23 requirement to fund its activities.

24 **Sec. 7.** RCW 16.67.130 and 1969 c 133 s 12 are each amended to read  
25 as follows:

26 Any due and payable assessment levied under the provisions of this  
27 chapter shall constitute a personal debt of every person so assessed or  
28 who otherwise owes the same and shall be due and payable ((within  
29 thirty days from the date it becomes first due the commission)) on the  
30 fifteenth day of the month following the month the transaction  
31 occurred. In the event any such person fails to pay the full amount  
32 within such ((thirty days)) time, the commission shall add to such  
33 unpaid assessment an amount of ten percent of the unpaid assessment to  
34 defray the cost of collecting the same. In the event of failure of  
35 such person to pay such due and payable assessment, the commission may  
36 bring civil action against such person in a state court of competent  
37 jurisdiction for the collection thereof, together with the above

1 specified ten percent thereon and any other additional necessary  
2 reasonable costs including attorneys' fees. Such action shall be tried  
3 and judgment rendered as in any other cause of action for debt due and  
4 payable.

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