
SENATE BILL 6246

State of Washington 57th Legislature

2002 Regular Session

By Senators Jacobsen, Kohl-Welles and Kline

Read first time 01/14/2002. Referred to Committee on Agriculture & International Trade.

1 AN ACT Relating to formation of an organic foods commission; adding
2 a new section to chapter 15.24 RCW; adding a new section to chapter
3 15.26 RCW; adding a new section to chapter 15.28 RCW; adding a new
4 section to chapter 15.44 RCW; adding a new section to chapter 15.62
5 RCW; adding a new section to chapter 15.65 RCW; adding a new section to
6 chapter 15.66 RCW; adding a new section to chapter 16.67 RCW; adding a
7 new section to chapter 43.78 RCW; adding a new chapter to Title 15 RCW;
8 and prescribing penalties.

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

10 NEW SECTION. **Sec. 1.** For the purposes of this chapter:

11 (1) "Director" means the director of agriculture or any qualified
12 person or persons designated by the director of agriculture to act for
13 the director concerning some matter under this chapter.

14 (2) "Department" means the department of agriculture.

15 (3) "Marketing order" means an order issued by the director under
16 this chapter.

17 (4) "Organic food" has the definition in RCW 15.86.020.

18 (5) "Producer" means any person engaged in the business of
19 producing or causing to be produced for market in commercial quantities

1 any organic food. For the purposes of this chapter, "producer"
2 includes bailees who contract to produce or grow any organic food on
3 behalf of a bailor who retains title to the seed and its resulting
4 organic food or the organic food delivered for further production or
5 increase.

6 (6) "Affected producer" means any producer of organic food.

7 (7) "Unfair trade practice" means any practice that is unlawful or
8 prohibited under the laws of the state of Washington including but not
9 limited to Titles 15, 16, and 69 RCW and chapters 9.16, 19.77, 19.80,
10 19.84, and 19.83 RCW, or any practice, whether concerning interstate or
11 intrastate commerce that is unlawful under the provisions of the act of
12 Congress of the United States, September 26, 1914, chapter 311, section
13 5, 38 U.S. Statutes at Large 719 as amended, known as the "Federal
14 Trade Commission Act of 1914," or the violation of or failure
15 accurately to label as to grades and standards in accordance with any
16 lawfully established grades or standards or labels.

17 (8) "Person" includes any individual, firm, corporation, trust,
18 association, partnership, society, or any other organization of
19 individuals.

20 (9) "Cooperative association" means any incorporated or
21 unincorporated association of producers that conforms to the
22 qualifications set out in the act of Congress of the United States,
23 Feb. 18, 1922, chapter 57, sections 1 and 2, 42 U.S. Statutes at Large
24 388 as amended, known as the "Capper-Volstead Act" and which is engaged
25 in making collective sales or in marketing any organic food or product
26 thereof or in rendering service for or advancing the interests of the
27 producers of such organic food on a nonprofit cooperative basis.

28 (10) "Member of a cooperative association" or "member" means any
29 producer of organic food who markets his or her product through such
30 cooperative association and who is a voting stockholder of or has a
31 vote in the control of or is under a marketing agreement with such
32 cooperative association with respect to such product.

33 NEW SECTION. **Sec. 2.** The marketing of organic foods within this
34 state is affected with a public interest. It is declared to be the
35 policy and purpose of this chapter to promote the general welfare of
36 the state by enabling producers of organic foods to help themselves in
37 establishing orderly, fair, sound, efficient, and unhampered marketing,

1 grading, and standardizing of the organic foods they produce, and in
2 promoting and increasing the sale of such commodities.

3 NEW SECTION. **Sec. 3.** Marketing orders may be made for any one or
4 more of the following purposes:

5 (1) To establish plans and conduct programs for advertising and
6 sales promotion, to maintain present markets, or to create new or
7 larger markets for any organic food grown in the state of Washington;

8 (2) To provide for carrying on research studies to find more
9 efficient methods of production, processing, handling, and marketing of
10 any organic food;

11 (3) To provide for improving standards and grades by defining,
12 establishing, and providing labeling requirements consistent with
13 chapter 15.86 RCW with respect to the same;

14 (4) To investigate and take necessary action to prevent unfair
15 trade practices.

16 NEW SECTION. **Sec. 4.** Marketing orders and orders modifying or
17 terminating existing marketing orders shall be adopted by the director
18 only after the director has done the following:

19 (1) Received a petition as provided for in section 5 of this act;

20 (2) Given notice of hearing as provided for in section 6 of this
21 act;

22 (3) Conducted a hearing as provided for in section 7 of this act;

23 (4) Made findings and a decision as provided for in section 8 of
24 this act;

25 (5) Determined assent of affected producers as provided for in
26 section 9 of this act.

27 NEW SECTION. **Sec. 5.** Petitions for issuance, amendment, or
28 termination of a marketing order for organic food shall be signed by
29 not less than ten percent or fifty of the producers alleged to be
30 affected, whichever is less, and shall be filed with the director.
31 Such petition shall be accompanied by a filing fee of one hundred
32 dollars payable to the state treasurer; and shall designate some person
33 as attorney-in-fact for the purpose of this section. Upon receipt of
34 such a petition, the director shall prepare a budget estimate for
35 handling such petition that includes the cost of the preparation of the
36 estimate, the cost of the hearings, and the cost of the proposed

1 referendum. The petitioners, within thirty days after receipt of the
2 budget estimate by their attorney-in-fact, shall remit to the director
3 the difference between the filing fee of one hundred dollars already
4 paid and the total budget estimate. If the petitioners fail to remit
5 the difference, or if for any other reason the proceedings for the
6 issuance, amendment, or termination of the marketing order are
7 discontinued, the filing fee, including any additional amount paid in
8 accordance with such budget estimates, shall not be refunded. If the
9 petition results, after proper proceedings, in the issuance, amendment,
10 or termination of a marketing order, the petitioners shall be
11 reimbursed for the amount paid for the total filing fee out of funds of
12 the organic food commission as they become available.

13 NEW SECTION. **Sec. 6.** Upon receipt of a petition for the issuance,
14 amendment, or termination of a marketing order, the director shall
15 establish a list of producers of organic food who are certified under
16 chapter 15.86 RCW. In establishing or making current such a list of
17 producers and their individual production, the director shall use the
18 producer's name, mailing address, and the yearly average fees paid
19 under RCW 15.86.070 by the producer in the three preceding years or in
20 such lesser time as the producer has produced the organic food in
21 question. Information on each producer shall be mailed to the affected
22 producer on record with the director for verification. All corrections
23 shall be filed with the director within twenty days from the date of
24 mailing. The director shall keep lists as current as possible and may
25 require updated information from affected producers at various times in
26 accordance with rules prescribed by the director.

27 The producer list shall be final and conclusive in making
28 determinations relative to the assent by producers upon the issuance,
29 amendment, or termination of a marketing order and in elections under
30 this chapter.

31 The director shall notify affected producers, so listed, by mail
32 that the public hearing affording opportunity for them to be heard upon
33 the proposed issuance, amendment, or termination of the marketing order
34 will be heard at the time and place stated in the notice. The notice
35 of the hearing shall be given not less than ten days nor more than
36 sixty days before the hearing.

1 NEW SECTION. **Sec. 7.** At the public hearing the director shall
2 receive evidence and testimony offered in support of, or opposition to,
3 the proposed issuance of, amendment to, or termination of a marketing
4 order and concerning the terms, conditions, scope, and area thereof.
5 Such hearing shall be public and all testimony shall be received under
6 oath. A full and complete record of all proceedings at such hearings
7 shall be made and maintained on file in the office of the director,
8 which file shall be open to public inspection. The director shall base
9 his or her findings upon the testimony and evidence received at the
10 hearing, together with any other relevant facts available to the
11 director from official publications of institutions of recognized
12 standing. The director shall describe in the findings such official
13 publications upon which any finding is based.

14 NEW SECTION. **Sec. 8.** (1) The director shall make and publish
15 findings upon every material point controverted at the hearing and
16 required by this chapter and upon such other matters and things as he
17 or she may deem fitting and proper. The director shall also issue a
18 recommended decision based upon the director's findings and shall cause
19 copies of the findings and recommended decision to be delivered or
20 mailed to all parties of record appearing at the hearing, or their
21 attorneys of record. The recommended decision shall contain the text
22 in full of any order, or amendment or termination of existing order,
23 and may deny or approve the proposal in its entirety, or it may
24 recommend a marketing order containing other or different terms or
25 conditions from those contained in the proposal: PROVIDED, That the
26 same shall be of a kind or type substantially within the purview of the
27 notice of hearing and shall be supported by evidence taken at the
28 hearing or by documents of which the director is authorized to take
29 official notice. The director shall not approve the issuance,
30 amendment, or termination of any marketing order unless he or she finds
31 with respect thereto:

32 (a) That the proposed issuance, amendment, or termination thereof
33 is reasonably calculated to attain the objective sought in such
34 marketing order;

35 (b) That the proposed issuance, amendment, or termination is in
36 conformity with this chapter and within the applicable limitations, and
37 restrictions in the issuance, amendment, or termination will tend to
38 effectuate the declared purposes and policies of this chapter;

1 (c) That the interests of consumers of the organic food are
2 protected in that the powers of this chapter are being exercised only
3 to the extent necessary to attain such objectives.

4 (2) After the issuance of a recommended decision, all interested
5 parties shall have a period of not less than ten days to file
6 objections with the director. The director shall consider the
7 objections and shall issue a final decision which may be the same as
8 the recommended decision or may be revised in light of the objections.
9 The final decision shall set out in full the text of the order. The
10 director shall deliver or mail copies of the final decision to the same
11 parties to whom copies of the findings and recommended decision are
12 required to be sent. If the final decision denies the proposal in its
13 entirety, no further action may be taken by the director.

14 NEW SECTION. **Sec. 9.** After the issuance by the director of the
15 final decision approving the issuance, amendment, or termination of a
16 marketing order, the director shall determine by a referendum whether
17 the affected producers assent to the proposed action or not. The
18 director shall conduct the referendum among the affected producers
19 based on the list as provided for in section 6 of this act, and the
20 affected producers shall be deemed to have assented to the proposed
21 issuance, amendment, or termination order if sixty percent or more by
22 number and sixty percent or more by amount of assessment paid of those
23 replying assent to the proposed order. The determination by volume
24 shall be made on the basis of volume as determined in the list of
25 affected producers created under section 6 of this act, subject to
26 rules of the director for such determination.

27 NEW SECTION. **Sec. 10.** A marketing order shall define the area of
28 the state to be covered by the order, which may be all or any portion
29 of the state, shall contain provisions for establishment of the organic
30 foods commission and administration and operation and powers and duties
31 of the commission, shall provide for assessments as provided for in
32 this chapter, and shall contain one or more of the provisions in
33 section 3 of this act.

34 NEW SECTION. **Sec. 11.** The marketing order shall establish an
35 organic foods commission composed of not less than five nor more than
36 thirteen members. In addition, the director shall be an ex officio

1 member of the organic foods commission. Commission members shall be
2 citizens and residents of this state, over the age of twenty-five
3 years. The term of office of commission members shall be three years
4 with the terms rotating so that one-third of the terms will commence as
5 nearly as practicable each year. However, the first commission shall
6 be selected, one-third for a term of one year, one-third for a term of
7 two years, and one-third for a term of three years, as nearly as
8 practicable. Two-thirds of the commission members shall be elected by
9 the affected producers and such elected members shall all be affected
10 producers. The remaining one-third shall be appointed by the
11 commission and shall be either affected producers, others active in
12 matters relating to the organic foods or persons not so related.

13 NEW SECTION. **Sec. 12.** Not less than ninety days nor more than one
14 hundred five days before the beginning of each term of each elected
15 commission member, the director shall give notice by mail to all
16 affected producers of the vacancy and call for nominations in
17 accordance with this section and with the provisions of the marketing
18 order and shall give notice of the final date for filing nominations,
19 which shall not be less than eighty days nor more than eighty-five days
20 before the beginning of such term. Such notice shall also advise that
21 nominating petitions shall be signed by five persons qualified to vote
22 for such candidates or, if the number of nominating signers is provided
23 for in the marketing order, such number as such order provides.

24 Not less than sixty days nor more than seventy-five days before the
25 commencement of such commission member term, the director shall submit
26 by mail ballots to all affected producers, which ballots shall be
27 required to be returned to the director not less than thirty days
28 before the commencement of such term. Such mail ballot shall be
29 conducted in a manner so that it shall be a secret ballot. With
30 respect to the first organic foods commission, the director may call
31 for nominations in the notice of decision following the hearing and the
32 ballot may be submitted at the time the director's proposed order is
33 submitted to the affected producers for their assent.

34 The elected members may be elected from various districts within
35 the area covered by the marketing order if the order so provides, with
36 the number of members from each district to be in accordance with the
37 provisions of the marketing order.

1 The members of the commission not elected by the affected producers
2 shall be elected by a majority of the commission at a meeting of the
3 commission within ninety days before expiration of the term but to fill
4 nonelective vacancies caused by other reasons than the expiration of a
5 term, the new member shall be elected by the commission at its first
6 meeting after the occurrence of the vacancy.

7 When only one nominee is nominated for any position on the
8 commission, the director shall deem that the nominee satisfies the
9 requirements of the position and then it shall be deemed that the
10 nominee has been duly elected.

11 NEW SECTION. **Sec. 13.** The organic foods commission shall hold
12 such regular meetings as the marketing order may prescribe or that the
13 commission by resolution may prescribe, together with such special
14 meetings that may be called in accordance with provisions of its
15 resolutions upon reasonable notice to all members thereof. A majority
16 of the members constitutes a quorum for the transaction of all business
17 of the commission. In the event of a vacancy in an elected or
18 appointed position on the commission, the remaining elected members of
19 the commission shall select a qualified person to fill the unexpired
20 term.

21 Each member of the commission shall be compensated in accordance
22 with RCW 43.03.230 and shall be reimbursed for travel expenses in
23 accordance with RCW 43.03.050 and 43.03.060.

24 NEW SECTION. **Sec. 14.** The organic foods commission shall have
25 such powers and duties in accordance with this chapter as may be
26 provided in the marketing order and shall have the following powers and
27 duties:

28 (1) To elect a chair and such other officers as determined
29 advisable;

30 (2) To adopt, rescind, and amend rules reasonably necessary for the
31 administration and operation of the organic foods commission and the
32 enforcement of its duties under the marketing order;

33 (3) To administer, enforce, direct, and control the provisions of
34 the marketing order and of this chapter relating thereto;

35 (4) To employ and discharge at its discretion such administrators
36 and additional personnel, attorneys, advertising and research agencies,

1 and other persons and firms that it may deem appropriate and pay
2 compensation to the same;

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

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

10 (7) To keep accurate records of all its receipts and disbursements,
11 which records shall be open to inspection and audit by the state
12 auditor at least every five years;

13 (8) To borrow money and incur indebtedness;

14 (9) To make necessary disbursements for routine operating expenses;

15 (10) To expend funds for organic foods-related education, training,
16 and leadership programs as the organic foods commission deems
17 expedient;

18 (11) Such other powers and duties that are necessary to carry out
19 the purposes of this chapter.

20 NEW SECTION. **Sec. 15.** Any member of the organic foods commission
21 may also be a member or officer of an association which has the same
22 objectives for which the organic foods commission was formed. The
23 organic foods commission may also contract with such association for
24 services necessary to carry out any purposes authorized under this
25 chapter, if an appropriate contract has been entered into.

26 NEW SECTION. **Sec. 16.** (1) There is hereby levied, and there shall
27 be collected by the organic foods commission, upon each and every
28 dollar unit of any organic food product specified in any marketing
29 order an annual assessment that shall be paid by the producer thereof
30 upon each and every such dollar unit sold, processed, stored, or
31 delivered for sale, processing, or storage by the producer. Such
32 assessments shall be expressed as a stated percentage of the net unit
33 price at the time of sale. The total amount of such annual assessment
34 to be paid by all affected producers shall not exceed one percent of
35 the total market value of all affected units sold, processed, stored,
36 or delivered for sale, processing, or storage by all affected producers
37 of such units during the year to which the assessment applies.

1 (2) The marketing order shall prescribe the percentage rate of such
2 assessment. Such rate may be at the full amount of, or at any lesser
3 amount than, the amount in this section and may be altered from time to
4 time by amendment of such order.

5 (3) To collect such assessment, each order may require:

6 (a) Stamps to be purchased from the organic foods commission or
7 other authority stated in such order and attached to the containers,
8 invoices, shipping documents, inspection certificates, releases, or
9 receiving receipts or tickets, the stamps to be canceled immediately
10 upon being attached and the date of cancellation placed thereon;

11 (b) Payment of producer assessments before the affected units are
12 shipped off the farm or payment of assessments at different or later
13 times, and in such event the order may require any person subject to
14 the assessment to give adequate assurance or security for its payment;

15 (c) Handlers receiving the organic foods from the producer,
16 including warehousemen and processors, to collect producer assessments
17 from producers whose production they handle and remit the same to the
18 organic foods commission. The lending agency for a commodity credit
19 corporation loan to producers shall be deemed a handler for the purpose
20 of this subsection (3)(c). No affected units may be transported,
21 carried, shipped, sold, stored, or otherwise handled or disposed of
22 until every due and payable assessment required under this section has
23 been paid and the receipt issued, but there is no liability under this
24 section for common carriers in the regular course of their business.

25 NEW SECTION. **Sec. 17.** Moneys collected by the organic foods
26 commission under a marketing order from any assessment for marketing
27 purposes shall be used by the organic foods commission only for the
28 purpose of paying for the costs or expenses arising in connection with
29 carrying out the purposes and provisions of such agreement or order.

30 Upon the termination of any marketing order any and all moneys
31 remaining with the organic foods commission operating under that
32 marketing order and not required to defray expenses or repay
33 obligations incurred by the organic foods commission shall be returned
34 to the affected producers in proportion to the assessments paid by each
35 in the two-year period preceding the date of the termination order.

36 NEW SECTION. **Sec. 18.** Any due and payable assessment levied under
37 this chapter, and every sum due under the marketing order in a

1 specified amount, constitutes a personal debt of every person so
2 assessed or who otherwise owes the same, and the same shall be due and
3 payable to the organic foods commission when payment is called for by
4 the organic foods commission. In the event any person fails to pay the
5 full amount of such assessment or such other sum on or before the date
6 due, the organic foods commission may add to such unpaid assessment or
7 sum an amount not exceeding ten percent of the same to defray the cost
8 of enforcing the collecting of the same. In the event of failure of
9 such person or persons to pay any such due and payable assessment or
10 other such sum, the organic foods commission may bring a civil action
11 against such person or persons in a state court of competent
12 jurisdiction for the collection thereof, together with ten percent
13 provided for in this section, and such action shall be tried and
14 judgment rendered as in any other cause of action for debt due and
15 payable.

16 NEW SECTION. **Sec. 19.** All moneys that are collected or otherwise
17 received under a marketing order created under this chapter shall be
18 used solely by and for the organic foods commission and shall not be
19 used for any other commission or the department. Such moneys shall be
20 deposited in a separate account or accounts in the name of the organic
21 foods commission in any bank that is a state depository. All expenses
22 and disbursements incurred and made pursuant to the provisions of any
23 marketing order shall be paid from moneys collected and received
24 pursuant to such order without the necessity of a specific legislative
25 appropriation and all moneys deposited for the account of any order
26 shall be paid from the account by check or voucher in such form and in
27 such manner and upon the signature of such person as may be prescribed
28 by the organic foods commission. None of the provisions of RCW
29 43.01.050 are applicable to any such account or any moneys so received,
30 collected, or expended.

31 NEW SECTION. **Sec. 20.** Any funds of the organic foods commission
32 may be invested in savings or time deposits in banks, trust companies,
33 and mutual savings banks that are doing business in this state, up to
34 the amount of insurance afforded such accounts by the Federal Deposit
35 Insurance Corporation. This section applies to all funds that may be
36 lawfully so invested that in the judgment of the organic foods
37 commission are not required for immediate expenditure. The authority

1 granted by this section is not exclusive and shall be construed to be
2 cumulative and in addition to other authority provided by law for the
3 investment of such funds.

4 NEW SECTION. **Sec. 21.** Every administrator, employee, or other
5 person occupying a position of trust under any marketing order and
6 every member actually handling or drawing upon funds shall give a bond
7 in such penal amount as may be required by the organic foods commission
8 or by the order, the premium for which bond or bonds shall be paid by
9 the organic foods commission.

10 NEW SECTION. **Sec. 22.** An affected producer subject to a marketing
11 order may file a written petition with the director stating that the
12 order, agreement, or program or any part thereof is not in accordance
13 with the law, and requesting a modification thereof or exemption
14 therefrom. The producer shall thereupon be given a hearing, which
15 hearing shall be conducted in the manner provided in section 7 of this
16 act, and thereafter the director shall make a ruling which shall be
17 final.

18 Appeal from any ruling of the director may be taken to the superior
19 court of the county in which the petitioner resides or has his or her
20 principal place of business, by serving upon the director a copy of the
21 notice of appeal and complaint within twenty days from the date of
22 entry of the ruling. Upon such application, the court may proceed in
23 accordance with RCW 7.16.010 through 7.16.140. If the court determines
24 that the ruling is not in accordance with law, it shall remand the
25 proceedings to the director with directions to make a ruling as the
26 court determines to be in accordance with law or to take such further
27 proceedings as in its opinion are required by this chapter.

28 NEW SECTION. **Sec. 23.** It is a misdemeanor for:

29 (1) Any person willfully to violate any provision of this chapter
30 or any provision of any marketing order duly issued by the director
31 under this chapter;

32 (2) Any person willfully to render or furnish a false or fraudulent
33 report, statement of record required by the director or the organic
34 foods commission under this chapter, or any provision of any marketing
35 order duly issued by the director under this chapter or willfully to

1 fail or refuse to furnish or render any such report, statement, or
2 record so required.

3 In the event of violation or threatened violation of any provision
4 of this chapter or of any marketing order duly issued or entered into
5 under this chapter, the director, the organic foods commission, or any
6 affected producer on joining the organic foods commission shall be
7 entitled to an injunction to prevent further violation and to a decree
8 of specific performance of such order, and to a temporary restraining
9 order and injunction pending litigation upon filing a verified
10 complaint and sufficient bond.

11 All persons subject to any order shall severally from time to time,
12 upon the request of the director, furnish the director with such
13 information as the director finds to be necessary to enable him or her
14 to effectuate the policies of this chapter and the purposes of such
15 order or to ascertain and determine the extent to which such order has
16 been carried out or has effectuated such policies and purposes, or to
17 determine whether or not there has been any abuse of the privilege of
18 exemptions from laws relating to trusts, monopolies, and restraints of
19 trade. Such information shall be furnished in accordance with forms
20 and reports to be prescribed by the director. For the purpose of
21 ascertaining the correctness of any report made to the director under
22 this section or for the purpose of obtaining the information required
23 in any such report where it has been requested and has not been
24 furnished, the director may examine such books, papers, records, copies
25 of tax reports, accounts, correspondence, contracts, documents, or
26 memoranda as the director deems relevant and that are within the
27 control of any such person from whom such report was requested, or of
28 any person having, either directly or indirectly, actual or legal
29 control of or over such person or such records, or of any subsidiary of
30 any such person. To carry out the purposes of this section the
31 director, upon giving due notice, may hold hearings, take testimony,
32 administer oaths, subpoena witnesses, and issue subpoenas for the
33 production of books, records, documents, or other writings of any kind,
34 and section 7 of this act applies with respect to any such hearing,
35 together with such other rules consistent therewith as the director may
36 from time to time prescribe.

37 NEW SECTION. **Sec. 24.** In any civil or criminal action or
38 proceeding for violation of any rule of statutory or common law against

1 monopolies or combinations in restraint of trade, proof that the act
2 complained of was done in compliance with this chapter or a marketing
3 order issued under this chapter, and in furtherance of the purposes and
4 provisions of this chapter, shall be a complete defense to such action
5 or proceeding.

6 NEW SECTION. **Sec. 25.** Obligations incurred by the organic foods
7 commission and any other liabilities or claims against the organic
8 foods commission shall be enforced only against the assets of the
9 organic foods commission in the same manner as if it were a corporation
10 and no liability for the debts or actions of the organic foods
11 commission shall exist against either the state of Washington or any
12 subdivision or instrumentality thereof, or against any member officer,
13 employee, or agent of the organic foods commission in his or her
14 individual capacity. The members of any such commission, including
15 employees of such board, shall not be held responsible individually in
16 any way whatsoever to any person for errors in judgment, mistakes, or
17 other acts, either of commission or omission, as principal, agent,
18 person, or employee, except for their own individual acts of dishonesty
19 or crime. No such person or employee may be held responsible
20 individually for any act or omission of any other member of the organic
21 foods commission. The liability of the members of the organic foods
22 commission shall be several and not joint and no member shall be liable
23 for the default of any other member.

24 NEW SECTION. **Sec. 26.** Nothing in this chapter permits fixing of
25 prices not otherwise permitted by law or any limitation on production
26 and no marketing order or agreement or any rule adopted under it may
27 contain any such provisions.

28 NEW SECTION. **Sec. 27.** All general administrative expenses of the
29 director in carrying out the provisions of this chapter shall be borne
30 by the state: PROVIDED, That the department shall be reimbursed for
31 actual costs incurred in conducting nominations and elections for
32 members of the organic foods commission established under this chapter.
33 Such reimbursement shall be made from the funds of the organic foods
34 commission for which the nominations and elections were conducted by
35 the director.

1 NEW SECTION. **Sec. 28.** The restrictive provisions of chapter 43.78
2 RCW do not apply to promotional printing and literature for the organic
3 foods commission formed under this chapter.

4 NEW SECTION. **Sec. 29.** This chapter may be known and cited as the
5 Washington organic foods commission act.

6 NEW SECTION. **Sec. 30.** Subsequent to the formation of an organic
7 food commission following a referendum vote of affected producers in
8 accordance with section 9 of this act and the establishment of an
9 assessment on organic foods in accordance with section 16 of this act,
10 organic food subject to an assessment by the organic food commission is
11 exempt from assessments by any other commodity commissions formed under
12 chapters 15.24, 15.26, 15.28, 15.44, 15.62, 15.65, 15.66, and 16.67
13 RCW.

14 NEW SECTION. **Sec. 31.** A new section is added to chapter 15.24 RCW
15 to read as follows:

16 Organic foods subject to an assessment by the organic food
17 commission established in accordance with section 9 of this act and
18 levied in accordance with section 16 of this act are exempt from an
19 assessment levied by a commission established under this chapter.

20 NEW SECTION. **Sec. 32.** A new section is added to chapter 15.26 RCW
21 to read as follows:

22 Organic foods subject to an assessment by the organic food
23 commission established in accordance with section 9 of this act and
24 levied in accordance with section 16 of this act are exempt from an
25 assessment levied by a commission established under this chapter.

26 NEW SECTION. **Sec. 33.** A new section is added to chapter 15.28 RCW
27 to read as follows:

28 Organic foods subject to an assessment by the organic food
29 commission established in accordance with section 9 of this act and
30 levied in accordance with section 16 of this act are exempt from an
31 assessment levied by a commission established under this chapter.

32 NEW SECTION. **Sec. 34.** A new section is added to chapter 15.44 RCW
33 to read as follows:

1 Organic foods subject to an assessment by the organic food
2 commission established in accordance with section 9 of this act and
3 levied in accordance with section 16 of this act are exempt from an
4 assessment levied by a commission established under this chapter.

5 NEW SECTION. **Sec. 35.** A new section is added to chapter 15.62 RCW
6 to read as follows:

7 Organic foods subject to an assessment by the organic food
8 commission established in accordance with section 9 of this act and
9 levied in accordance with section 16 of this act are exempt from an
10 assessment levied by a commission established under this chapter.

11 NEW SECTION. **Sec. 36.** A new section is added to chapter 15.65 RCW
12 to read as follows:

13 Organic foods subject to an assessment by the organic food
14 commission established in accordance with section 9 of this act and
15 levied in accordance with section 16 of this act are exempt from an
16 assessment levied by a commission established under this chapter.

17 NEW SECTION. **Sec. 37.** A new section is added to chapter 15.66 RCW
18 to read as follows:

19 Organic foods subject to an assessment by the organic food
20 commission established in accordance with section 9 of this act and
21 levied in accordance with section 16 of this act are exempt from an
22 assessment levied by a commission established under this chapter.

23 NEW SECTION. **Sec. 38.** A new section is added to chapter 16.67 RCW
24 to read as follows:

25 Organic foods subject to an assessment by the organic food
26 commission established in accordance with section 9 of this act and
27 levied in accordance with section 16 of this act are exempt from an
28 assessment levied by a commission established under this chapter.

29 NEW SECTION. **Sec. 39.** A new section is added to chapter 43.78 RCW
30 to read as follows:

31 This chapter does not apply to promotional printing and literature
32 for the organic foods commission formed under chapter 15.-- RCW
33 (sections 1 through 30 of this act).

1 NEW SECTION. **Sec. 40.** Sections 1 through 30 of this act
2 constitute a new chapter in Title 15 RCW.

--- **END** ---