

RCW 15.24.070 Powers and duties—Agency of state government.

The Washington apple commission is hereby declared and created an agency of the Washington state government. The powers and duties of the commission shall include the following:

- (1) To elect a chair and such other officers as it deems advisable; and to adopt, rescind, and amend rules and orders for the exercise of its powers under this chapter, which shall have the force and effect of the law when not inconsistent with existing laws;
- (2) To administer and enforce the provisions of this chapter, and do all things reasonably necessary to effectuate the purposes of this chapter;
- (3) To employ and at its pleasure discharge a manager, secretary, agents, attorneys, and employees as it deems necessary, and to prescribe their duties and powers and fix their compensation;
- (4) To establish offices and incur expense and enter into contracts and to create such liabilities as may be reasonable for the proper administration and enforcement of this chapter. Expenses may include reasonable, prudent use of promotional hosting to benefit the purposes of this chapter;
- (5) To investigate and prosecute violations of this chapter;
- (6) To conduct scientific research to develop and discover the health, food, therapeutic, and dietetic value of apples and apple products;
- (7) To keep accurate record of all of its dealings, which shall be open to inspection and audit by the state auditor;
- (8) To sue and be sued and have all of the powers of an agency;
- (9) To expend funds for commodity-related education, training, and leadership programs as the commission deems expedient;
- (10) To borrow money and incur indebtedness;
- (11) To accept gifts, grants, conveyances, bequests, and devises, of real or personal property, or both, in trust or otherwise, and sell, lease, exchange, invest, or expend these donations or the proceeds, rents, profits, and income from the donations on any appropriate activity of the commission except as limited by the donor's terms. The commission shall adopt rules to govern and protect the receipt and expenditure of the proceeds, rents, profits, and income of all such gifts, grants, conveyances, bequests, and devises. The authority to make expenditures granted by this subsection includes the authority to make expenditures to provide scholarships or financial assistance to persons as defined in RCW 1.16.080 or entities associated with the apple industry, but is not limited to the authority to make expenditures for such a purpose;
- (12) To engage in appropriate fund-raising activities for the purpose of supporting the activities of the commission authorized by this chapter;
- (13) To retain, discharge, or contract with, at its pleasure, accountants, marketing agencies, and other professional consultants as necessary, under procedures for hiring, discharging, and review as adopted by the commission;
- (14) To maintain, protect, acquire, or own intellectual property rights, including without limitation, licenses, trademarks, copyrights, artwork, or patents and to sell or license any or all of such rights and collect royalties therefrom and from commission-funded research related to apples;

(15) To apply for and administer federal market access programs and/or similar programs or projects and provide matching funds as may be necessary;

(16) With oversight by the director, provide funding and support to organizations providing general support and leadership to and representation of the apple industry;

(17) With oversight by the director, to speak on behalf of the Washington state government on a nonexclusive basis with regard to apples and apple-related issues, including but not limited to trade negotiations, market access negotiations, and the like, and to fund industry organizations engaging in such activities;

(18) To fund, conduct, or otherwise participate in scientific research relating to apples, including without limitation research regarding pests, pesticides, food safety, irrigation, transportation, and environmental stewardship;

(19) To provide services relating to the production, promotion, sale and/or distribution of Washington apples on a fee-for-services basis. However, (a) the product of such services shall belong to the funding party, and (b) the fees for such services shall include a reasonable charge for the commission's overhead expenses as determined by the commission; and

(20) To gather, maintain, and distribute data relating to the production, processing, shipment, and sales of apples, in connection with its ordinary operations and collection of assessments and particularly in connection with services provided on a fee-for-service basis. [2004 c 178 s 9; 2002 c 313 s 119; 1994 c 134 s 1; 1987 c 393 s 3; 1986 c 203 s 3; 1963 c 145 s 5; 1961 c 11 s 15.24.070. Prior: (i) 1937 c 195 s 8; RRS s 2874-8. (ii) 1937 c 195 s 5; RRS s 2874-5. (iii) 1937 c 195 s 4, part; RRS s 2874-4, part.]

Effective dates—2002 c 313: See note following RCW 15.65.020.