

**WAC 16-520-025 Powers and duties of commission.** The commission shall have the following powers and duties:

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

(2) To elect a chairman and such other officers as the commission may deem advisable; and to select subcommittees of commission members;

(3) 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;

(4) 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;

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

(6) 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;

(7) 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;

(8) To borrow money and incur indebtedness;

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

(10) 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;

(11) 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. The commission, at least sixty days prior to the beginning of its fiscal year, shall prepare and submit to the director for approval its research plan, its commodity-related education and training plan, and its budget;

(12) To accept and receive gifts and grants from private persons or private and public agencies and expend the same to effectuate the purposes of the act and this order;

(13) To work cooperatively with other local, state, and federal agencies, universities, and national organizations for the purposes set forth in this marketing order;

(14) To enter into contracts or interagency agreements with any private or public agency, whether federal, state, or local, to carry out the purposes set forth in this marketing order. Personal service contracts must comply with chapter 39.29 RCW;

(15) To enter into contracts or agreements for research in the production, irrigation, processing, transportation, marketing, use or distribution of seed potatoes;

(16) To retain in emergent situations the services of private legal counsel to conduct legal actions on behalf of the commission. The retention of a private attorney is subject to review by the office of the attorney general;

(17) To engage in appropriate fund-raising activities for the purpose of supporting activities of the commission authorized by this marketing order;

(18) To participate in international, federal, state, and local hearings, meetings, and other proceedings relating to the production, manufacture, regulation, transportation, distribution, sale, or use of seed potatoes including activities authorized under RCW 42.17.190, including the reporting of those activities to the public disclosure commission;

(19) To maintain a list of names and addresses of affected producers that may be compiled from information used to collect assessments under the provisions of this marketing order and data on the value of each producer's production for a minimum three-year period pursuant to RCW 15.66.140;

(20) To maintain a list of names and addresses of persons who handle seed potatoes within the affected area and data on the amount and value of seed potatoes handled for a minimum three-year period by each person pursuant to RCW 15.66.140;

(21) To maintain a list of names and addresses of all affected producers and the amount, by unit, of seed potatoes produced during the past three years pursuant to RCW 15.66.143;

(22) To maintain a list of all persons who handle seed potatoes and the amount of seed potatoes handled by each person during the past three years pursuant to RCW 15.66.143;

(23) To establish a foundation using commission funds as grant money for the purposes established in this marketing order;

(24) To request records and audit the records of producers or handlers of seed potatoes during normal business hours to determine whether the appropriate assessment has been paid;

(25) To acquire or own intellectual property rights, licenses, or patents and to collect royalties resulting from commission-funded research related to seed potatoes; and

(26) 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.

[Statutory Authority: RCW 15.66.030, 15.66.053, 15.66.055, and chapter 34.05 RCW. WSR 10-22-008, § 16-520-025, filed 10/21/10, effective 11/21/10.]