AN ACT Relating to the dairy products commission; amending RCW 15.44.020, 15.44.021, 15.44.030, and 15.44.032; and adding a new section to chapter 15.44 RCW.

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

Sec. 1.  RCW 15.44.020 and 2003 c 396 s 24 are each amended to read as follows:

The dairy products commission shall be composed of not more than nine members. There shall be one member from each district who shall be a practical producer of dairy products and one member shall be a dealer. The director of agriculture shall be a voting member of the commission.

As used in this chapter, "director" means the director of agriculture or his or her authorized representative.

Sec. 2.  RCW 15.44.021 and 2003 c 396 s 25 are each amended to read as follows:

(1) The director shall appoint the members of the commission.
(2) Candidates for producer member positions on the commission shall be nominated under RCW 15.44.033.

(3) The director shall cause an advisory vote to be held for the producer member positions. Advisory ballots shall be mailed to all affected producers in the district where a vacancy is about to occur and shall be returned to the director not less than thirty days prior to the commencement of the term. The advisory ballot shall be conducted in a manner so that it is a secret ballot. The names of the two candidates receiving the most votes in the advisory vote shall be forwarded to the director for potential appointment to the commission. In the event there are only two candidates nominated for a position, an advisory vote may not be held and the candidates' names shall be forwarded to the director for potential appointment. If only one candidate is nominated for a position, the commission shall select a second candidate whose name will be forwarded to the director has the discretion to appoint or reject the candidate.

(4) Any candidate whose name is forwarded to the director for potential appointment shall submit to the director a letter stating why he or she wishes to be appointed to the commission. The director may select any candidate for the position or may reject all candidates and request a new advisory vote with nominees selected by the commission or, if the commission desires, by the director.

Sec. 3. RCW 15.44.030 and 1975 1st ex.s. c 136 s 2 are each amended to read as follows:
Each of the producer members of the commission shall:
(1) Be a citizen and resident of this state and the district which he or she represents; and
(2) Be and for the five years last preceding his or her election have been actually engaged as an owner or shareholder in producing dairy products within this state. These qualifications must continue during each member's term of office.

The dealer member shall be actively engaged as a dealer in dairy products or employed in a dealer capacity as an officer or employee at management level in a dairy products organization.

Sec. 4. RCW 15.44.032 and 1975 1st ex.s. c 136 s 3 are each amended to read as follows:
The regular term of office of each producer member of the commission shall be three years. Commission members shall be first nominated and elected in 1966 in the manner set forth in RCW 15.44.033 and shall take office as soon as they are qualified. However, expiration of the term of the respective commission members first elected in 1966 shall be as follows:

(1) District I and II on July 1, 1967;
(2) District III and IV on July 1, 1968; and
(3) District V, VI and VII on July 1, 1969.

The respective terms shall end on July 1st of each third year thereafter. Any vacancies that occur on the commission shall be filled by appointment by the director from a list of candidates forwarded to the director by the commission. If only one name is forwarded, the director has the discretion to appoint or reject the candidate and, if rejected, request additional candidates. The appointee shall hold office for the remainder of the term for which he or she is appointed to fill, so that commission memberships shall be on a uniform staggered basis.

The term of office of the first dealer appointed by the director shall expire July 1, 1977, and the term of office of the first producer who also acts as a dealer appointed by the director shall expire on July 1, 1978). The term of office of each dealer (and each producer who also acts as a dealer) shall be three years or until such time as a successor is duly appointed. Any vacancy for a dealer (or a producer who also acts as a dealer) shall be forthwith filled by the director. The director, in making any appointments set forth herein, may consider lists of nominees supplied by dealers or producers also acting as dealers.

NEW SECTION. Sec. 5. A new section is added to chapter 15.44 RCW to read as follows:

If a commission member fails or refuses to perform his or her duties due to excessive absence or abandonment of his or her position or engages in any acts of dishonesty or willful misconduct, the commission may recommend to the director that the commission member be removed from his or her position on the commission. Upon receiving such a recommendation, the director shall review the matter, including any statement from the commission member who is the subject of the
recommendation, and determine whether adequate cause for removal is present. If the director finds that adequate cause for removal exists, the director shall remove the member from his or her commission position. The position shall then be declared vacant and will be filled pursuant to the provisions of this chapter for filling vacancies.

Passed by the Senate February 12, 2008.
Passed by the House March 4, 2008.
Approved by the Governor March 13, 2008.
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