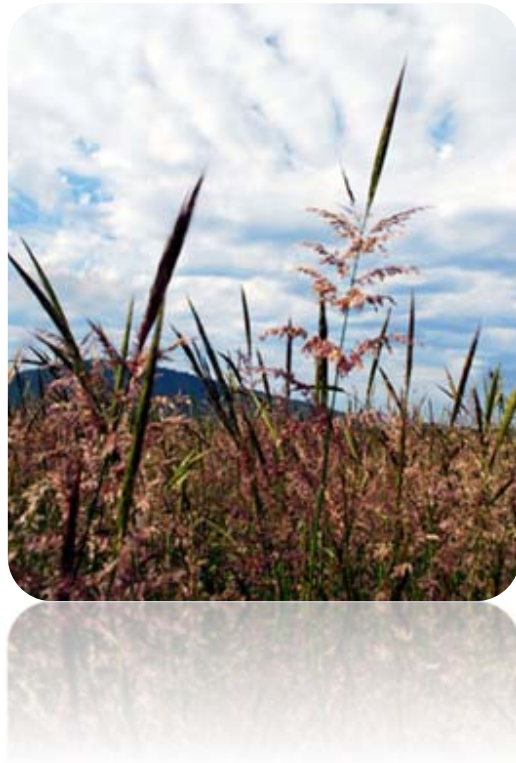


STATE OF CALIFORNIA
DEPARTMENT OF FOOD AND AGRICULTURE
MARKETING BRANCH



CALIFORNIA WILD RICE PROGRAM

Effective June 5, 1986
Incorporating Amendments through June 1, 2021

CALIFORNIA WILD RICE PROGRAM

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CALIFORNIA WILD RICE PROGRAM

ARTICLE I – DEFINITIONS

Section A. DEFINITION OF TERMS

As used in this Program, the following terms shall have the following meanings:

1. “**Act**” means the California Marketing Act of 1937, being Chapter 1, Part 2, Division 21 of the Agricultural Code, as amended, or as the same may be hereafter amended.
2. “**Department**” means the Department of Food and Agriculture of the State of California.
3. “**California Wild Rice Program**” or “**Program**” means, unless the context otherwise indicates, this Program which is issued by the Department pursuant to the provisions of the Act.
4. “**California Wild Rice Board**”, “**Advisory Board**”, and “**Board**” are synonymous and mean the Board created pursuant to Article II of this Program.
5. “**Person**” means an individual, partnership, firm, corporation, association, subsidiary, affiliate, or other business unit.
6. “**Wild Rice**”, for the purposes of this Program, means all marketable wild rice (*Zizania palustris*) produced within the State of California for milling, other commercial, or seed purposes.
7. “**Producer**” means any person engaged within this State in the business of producing, or causing to be produced, wild rice, and includes only those persons who receive payment for a share in a wild rice crop.
8. “**Hundredweight**” or “**cwt**” are synonymous and mean one hundred (100) pounds avoirdupois, excluding tare.
9. “**Sell**” means to offer for sale, expose for sale, have in possession for sale, exchange, barter, or trade, wild rice.
10. “**Ship**” means to transport, or cause to be transported by any means whatsoever, wild rice.
11. “**Market**”, unless the context indicates otherwise, shall be synonymous with the phrase “to market”, and shall mean to sell, ship, distribute, or otherwise handle.
12. “**Miller**” means any person engaged within this State in the operation of milling, or receiving for milling, wild rice.

13. **“Handle” or “Handling”** means to be engaged in the business of distributing or processing wild rice and may include the receiving, assembling, cleaning, grading, milling, storing, or otherwise preparing for market and marketing of wild rice.

14. **“Handler”** means to be engaged in the business of handling.

15. **“Pound” or “lb.”** are synonymous and mean 16 ounces avoirdupois.

16. **“Fiscal Year” or “Marketing Season”** are synonymous and mean the period beginning June 1 of any year and continuing through May 31 of the following year, provided that for the purposes of collecting information pursuant to Section 58775 of the Act, the preceding marketing season shall begin June 1, 1985, and continue through January 31, 1986.

ARTICLE II – CALIFORNIA WILD RICE BOARD

Section A. ESTABLISHMENT, MEMBERSHIP AND TERM OF OFFICE.

1. A Board to be known as the California Wild Rice Board is hereby established and shall consist of five (5) members to assist the Department in the administration of this Program. The Board shall be composed of producers, as herein defined. The Board may recommend to the Department the appointment of a member to represent the general public. *(Amended 3/12/91, 4/15/06 and 6/1/2021)*

2. There shall be an alternate member for each member of the Board. Each respective alternate shall be selected in the same manner and for the same term as the member to whom he/she is alternate member.

3. Members and alternate members shall be appointed by the Department from nominations received for that purpose.

4. The regular term of office of the members shall be three (3) years beginning April 1 and ending March 31 of the applicable marketing season. The term of office for appointees to the Board shall not be staggered and there shall be no limit to the number of consecutive terms of office an individual can serve as a member or alternate member on the Board. *(Amended 4/15/06 and 6/1/2021)*

5. Representation on the Board shall be by districts as follows:

(a) District 1 shall be composed of all that area of the State of California north of the northerly boundaries of Mendocino County, Glenn County, Butte County, and Plumas County. District 1 shall have three (3) members and three (3) alternates on the Board.

(b) District 2 shall be composed of Mendocino County, Glenn County, Butte County, Plumas County and all counties to the south thereof. District 2 shall have two (2) members and two (2) alternates on the Board. *(Amended 3/12/91, 4/15/06 and 6/1/2021)*

6. At the end of the second fiscal year of this Program and as often as needed thereafter, the Board shall re-evaluate the representation on the Board by Districts. If at that time the Board determines

membership on the Board is not representative as to the number of acres of wild rice produced within the individual districts, the Board shall reapportion the districts and/or adjust the membership on the Board to provide as near as possible representation on the Board in accordance with the number of acres of wild rice produced in each district. Such reapportionment and/or adjustment of the membership on the Board shall take effect at the beginning of the fiscal year immediately following the Board action. If the Board adjusts the number of members on the Board, they shall not increase the size of the Board beyond eleven members and eleven alternates. This action shall be deemed to be a minor amendment to this Program. *(Amended 6/1/2021)*

Section B. NOMINATION OF MEMBERS OF BOARD.

1. Nominations for the initial Board shall be made at the public hearing for the purpose of formulating this Program.

1.5 For the purpose of obtaining nominations for the Board subsequent to a board action recommending minor amendments to reapportion and/or adjust the membership on the Board, a nomination meeting shall be held within each district or within a county bordering a district prior to the beginning of the fiscal year when the minor amendments take effect. *(Amended 6/1/2021)*

2. For the purpose of obtaining nominations for subsequent Boards, a nomination meeting shall be held every third year within each district or within a county bordering a district. Such nomination meeting or meetings shall be held not later than March 15 of the year when terms are expiring. *(Amended 4/15/06 and 6/1/2021)*

3. Insofar as practicable, producers shall nominate not less than two (2) producers eligible to serve as a member of the Board for each member position available. The purpose of two (2) or more nominees shall be to provide at least one (1) nominee for alternate member, and at least one (1) nominee to hold in reserve (reserve alternate).

Section C. SELECTION AND APPOINTMENT OF MEMBERS OF BOARD.

1. In appointing the members of the initial Board, the Department shall select seven (7) members and seven (7) alternate members from the persons nominated at the public hearing held for the purpose of formulating this Program and such other nominations as may be received.

2. In appointing the members and alternate members of subsequent Boards every third year, the Department shall select five (5) members and five (5) alternate members from nominees obtained from nomination procedures held pursuant to this Program for that purpose. *(Amended 6/1/2021)*

3. Appointments by the Department to the Board shall be consistent with the provisions of Sections A and B of this Article II. Insofar as practicable, the Department shall include in its appointments to the Board producers from the various geographical producing areas who are otherwise broadly representative of the wild rice industry of California.

Section D. FAILURE TO NOMINATE.

In the event nominations are not made pursuant to this Article II and within the time specified herein, the Department may select members and alternate members without regard to nominations, but who otherwise meet the requirements for members and alternate members set forth in this Article II.

Section E. QUALIFICATION.

Any person appointed by the Department as a member or as an alternate for a member shall qualify by filing with the Department a written acceptance and such other documents as may be required.

Section F. ALTERNATE MEMBERS.

An alternate member of the Board shall, in the absence of the member for whom he/she is alternate, sit in the place and stead of such member at any meeting of the Board and shall have all the powers, duties, and privileges of the member while attending any such meeting. In the absence of both a member and his or her alternate, the Chairperson may designate any other alternate regardless of district to serve in place of the absent member. In the event of the death, removal, resignation, or disqualification of the member, his/her alternate shall act in his/her place and stead until a successor to such member is selected and has qualified. *(Amended 4/15/06 and 6/1/2021)*

Section G. VACANCIES.

The Department shall fill any vacancies occasioned by the removal, death, resignation, or disqualification of any member or alternate member of the California Wild Rice Board. In making such selection, the Department may take into consideration any reserve nominees and nominations made by the remaining members of the Board.

Section H. ORGANIZATION.

1. The California Wild Rice Board shall not perform any of its duties nor exercise any of the powers herein granted when more than two (2) vacancies in its membership exist. *(Amended 6/1/2021)*
2. Three (3) members of the Board shall constitute a quorum. Any recommendation of the Board shall require an affirmative vote of a majority of the members or alternates acting in the place and stead of members. *(Amended 4/18/88, 4/15/06 and 6/1/2021)*
3. If a Board member or his/her designated alternate both fail to attend two consecutive Board meetings, leaving their voting position unrepresented at the meetings, the member and alternate shall be requested to submit information as to why they did not attend the Board meetings. If the member and alternate leave their position unrepresented at a third consecutive regular Board meeting, the Board may recommend to the Department that the member and alternate position be declared vacant. *(Amended 3/15/88)*

Section I. EX-OFFICIO MEMBERS.

Each year the Board may recommend, and the Department may approve, the participation of ex-officio members in any or all deliberations of the Board; provided, that such participants shall not be counted in determining the presence of a quorum nor may they participate in voting on matters under consideration by the Board.

Section J. COMMITTEES.

The Board may recommend, and the Department may appoint, such committees as may be deemed necessary to assist the Board and the Department in performing the duties authorized pursuant to this Program.

Section K. EXPENSES.

The members and alternate members of the Board, including ex-officio members, and of any committees established pursuant to Section J above, may be reimbursed for allowable expenses necessarily incurred by them in the performance of their duties and in the exercise of their powers hereunder. But no such member or alternate member shall receive a salary for the performance of such duties.

Section L. DUTIES AND POWERS OF THE BOARD.

The Board shall have the following duties and powers which may be exercised subject to the approval of the Department.

1. To administer the provisions of this Program.
2. To recommend to the Department administrative rules and regulations relating to this Program.
3. To receive and report to the Department complaints of violations of this Program.
4. To recommend to the Department amendments to this Program.
5. To assist the Department in the assessment of members of the industry and in the collection of such assessments to cover expenses incurred by the Board and the Department in the administration of this Program.
6. To assist the Department in the collection of such necessary information and data as the Department or the Board may deem necessary to the proper administration of this Program and of the Act.
7. To keep minutes, books, and records which clearly reflect all of its meetings, acts, and transactions, and to provide the Department with copies of the minutes duly certified by an authorized

officer of the Board. Said minutes, books, and records shall, at all times, be subject to examination by the Department or its duly authorized representative.

8. To employ such personnel as may be deemed necessary and to fix their compensation and terms of employment.

9. The Board may negotiate contracts; provided, that no contracts with any research agency shall be approved if any member or alternate of the Board also serve as a director to the contractor.

10. The Board may receive, invest, and disburse assessment funds.

Section M. LIMITATION OF LIABILITY OF MEMBERS OF THE BOARD.

The members and alternate members of the California Wild Rice Board, ex-officio members, or members and alternate members of any committees hereunder duly appointed by the Department, and the employees of such Board shall not be responsible individually in any way whatsoever to any producer or any other person for errors in judgment, mistakes, or other acts, either of commission or omission, as principal, agent, person, or employee, except their own individual acts of dishonesty or crime. No such person or employee shall be held responsible individually for any act or omission of any other member of the Board, committee, or employee. The liability of the Board, its committees, or employees shall be several and not joint and no member or alternate member shall be liable for the default of any other member or alternate member.

ARTICLE III – RESEARCH STUDIES

Section A. RESEARCH AUTHORIZATION.

The California Wild Rice Board, subject to the approval of the Department, is hereby authorized to carry on or cause to be carried on, any necessary and proper research relating to the production handling, marketing, or utilization of wild rice and to expend monies for such purposes.

ARTICLE IV – SALES PROMOTION AND MARKET DEVELOPMENT

Section A. SALES PROMOTION AND MARKET DEVELOPMENT PLANS

1. The Board is hereby authorized to prepare and administer subject to the approval of the Department, plans for promoting the sale of California wild rice for the purpose of maintaining existing markets and creating new and larger markets for California wild rice; provided, that any such plans so developed and conducted shall be directed toward promoting the sale of such California wild rice without reference to a particular private brand or trade name; provided further, that such plans make no use of false or unwarranted claims on behalf of wild rice, nor disparage the quality, value, sale, or use of any other agricultural commodity.

2. In carrying out any advertising and sales promotion plan or program as provided for in Paragraph 1 of this Article, the Board, subject to the approval of the Department, may investigate any reasonable possibilities of increasing the market demands for California wild rice; assemble and disseminate factual information relating to the marketing conditions of California wild rice; make market surveys; arrange for advertising space and material; conduct dealer service and merchandising work; conduct special promotions and any other activity consistent with the Act and this Program which the Board and the Department consider appropriate in promoting and creating new and larger markets for California wild rice.

3. In order to carry out the plans and programs as prescribed in Paragraphs 1 and 2 of this Article, the Board is authorized, subject to the approval of the Department, to enter into contracts with agencies and individuals qualified to render services in formulating and conducting said plans and programs.

4. The Board with the approval of the Department may establish and regulate the permissive use of an official board brand, trade name, or label or other distinctive designation of grade, quality, or condition. The permissive use of any such official board brand, trade name, or label or other distinctive designation of quality shall be limited to producers and handlers of the commodity that are participating in the Program and that are in compliance with its provisions and with any regulation, or rule and regulation, which is adopted under it. Any official brand or trade name which is established pursuant to this Section shall not be construed as a private brand or trade name with respect to Section 58889 of the Food and Agricultural Code.

ARTICLE V – QUALITY STANDARDS AND GRADE REGULATIONS

Section A. RECOMMENDATIONS OF GRADE AND QUALITY STANDARDS.

In carrying out the provisions of this Program and to facilitate the enforcement and administration thereof, the Board may recommend, and the Department may approve seasonal marketing regulations for grade and quality standards of wild rice as necessary. Such recommendations shall not be lower than any existing State or Federal regulations.

Section B. INSPECTION AND CERTIFICATION.

During any period or periods which grade standards are in effect all wild rice shall be inspected and certified by an authorized inspection agency in accordance with inspection rules and regulations as the Board may recommend and the Department may issue.

Section C. INSPECTION AGENCY.

The Board is authorized to make suitable arrangements for inspection and certification by an established and experienced inspection agency or the Board, with the approval of the Department, may employ its own inspectors. In the event the Board employs its own inspectors, such inspectors shall first be qualified by the Department of Food and Agriculture as being competent to perform such inspection service.

Section D. ADMINISTRATIVE RULES AND REGULATIONS.

Administrative rules and regulations, as necessary to carry this Article into effect, shall be recommended by the Board and approved by the Department in any season when grade regulations and inspection procedures are made effective by the Department pursuant to this program, provided, that any such recommendations shall be made no later than June 1 of each year. Failure of the Board to make recommendations on or before the deadline date will mean that such administrative regulations in effect for the immediately preceding marketing season will automatically apply for the current marketing season; provided further, that the recommendation by the deadline date may be a recommendation for no administrative regulation to be in force for that marketing season.

ARTICLE VI – STABILIZATION POOL**Section A. ESTABLISHMENT OF STABILIZATION POOL IN THE INITIAL SEASON.**

1. Upon a finding of the Board that the supply and demand conditions for wild rice (excluding seed rice) make it advisable to utilize a stabilization pool, the Board may recommend to the Department the quantity of wild rice (excluding seed rice) which shall be placed in the stabilization pool. In the event this recommendation is given, the Board shall also recommend to the Department the quantity each producer shall be required to place in said pool, and shall also submit to the Department a written report containing the economic findings of the Board which served as the basis for said recommendation. In the event the Board subsequently deems it desirable to modify, suspend, or terminate a stabilization pool which may have been approved by the Department, it shall submit to the Department its recommendation together with a written report containing the economic findings of the Board, explaining the change in the economic conditions, which served as the basis for said recommendation.

2. Whenever the Department finds, from written reports supplied by the Board, that recommendations concerning a stabilization pool will tend to effectuate the declared purposes of the Act, it may establish a stabilization pool for wild rice (excluding seed rice) and may so designate the stabilization pool tonnage and the tonnage each producer is required to place in said pool.

3. The Board, with the approval of the Department, may establish rules and regulations as necessary for the determination and establishment and disposition of the stabilization pool tonnage.

Section B. STABILIZATION POOL VOLUME.

1. Wild rice designated as stabilization pool wild rice shall become the property of the Board.
2. The wild rice in each producer's hands designated as stabilization pool wild rice shall be held by him for the account of the Board.
3. Each producer shall hold in storage all stabilization pool tonnage in his/her custody until he/she has been relieved of such responsibility by the Board. Such producer shall store such stabilization pool wild rice in such manner as will maintain the wild rice in the same condition as when the pool was established,

except for normal and natural deterioration and shrinkage and except for loss through fire, acts of God, force majeure, or other conditions beyond the producer's control.

4. The Boards may, after giving reasonable notice, require a producer to deliver to it or to anyone designated by it, at such producer's warehouse or at such other place as the wild rice may be stored, part or all of the stabilization tonnage wild rice held by him/her.

5. Each producer shall at all time hold in his/her possession or under his/her control that quality of wild rice he/she is required to place in the stabilization pool, less any quantity of such stabilization pool tonnage delivered by him/her pursuant to instructions of the Board.

6. Stabilization pool tonnage wild rice delivered by any producer to the Board or to any person designated by it, whether in bulk form or packed wild rice, shall meet the applicable minimum grade and condition standards. The Board shall have the authority to require in its discretion and at its expense such re-inspection and certification of stabilization pool tonnage wild rice as it may deem necessary.

7. In the event the Board offers to release to producers stabilization pool tonnage wild rice, each such producer shall be given the right to the release of his/her share of each offer.

Section C. DISPOSITION OF STABILIZATION POOL VOLUME.

1. The Board may recommend to the Department the disposition of stabilization pool wild rice through any or all of the following outlets:

- (a) Regular marketing channels.
- (b) Only in foreign markets.
- (c) Non-Competitive marketing channels.
- (d) By-products

2. On or before May 31 of any year, the Board shall announce the disposition, including carryover into the next marketing season, of all stabilization pool tonnage wild rice. Said pool shall be liquidated as rapidly as practicable.

ARTICLE VII – BUDGETS AND RATE OF ASSESSMENT

Section A. RECOMMENDATIONS OF BUDGETS AND RATE OF ASSESSMENT BY THE BOARD.

At the beginning of each fiscal year hereunder and as may be necessary thereafter, the Board shall recommend to the Department, budgets of estimated expenditures and reserves for the administration of this Program and the activities authorized hereunder. The Board shall also recommend a rate of assessment calculated to provide adequate funds to defray the proposed expenditures and reserves as set forth in such

budget or budgets; provided, such rate shall not exceed a total of seven dollars (\$7) per harvested acre or the equivalent thereof during the 1986-87 marketing season; shall not exceed eight dollars (\$8) per harvested acre or the equivalent thereof during the 1987-88 marketing season; shall not exceed nine dollars (\$9) per harvested acre or the equivalent thereof during the 1988-89 season; shall not exceed ten dollars (\$10) per harvested acre or the equivalent thereof during the 1989-90 marketing season; and provided further, that such rate of assessment shall not exceed ten dollars (\$10) per harvested acre in subsequent marketing seasons.

Section B. APPROVAL OF BUDGETS AND FIXING OF RATE OF ASSESSMENT BY THE DEPARTMENT.

If the Department finds that the recommended budgets and rate of assessment are proper and equitable and calculated to provide such funds as may be necessary to properly carry out the provisions of this program, it may approve such budgets and rate of assessment.

Section C. PAYMENT AND COLLECTION OF ASSESSMENTS.

1. Assessments on milled, etc., wild rice. The obligation to pay assessments under this Program shall apply to the producer for all wild rice produced by him/her. At the beginning of each fiscal year the Board shall recommend to the Department of Food and Agriculture administrative rules and regulations to carry out the collection of assessments. Said administrative rules and regulations may include but shall not be limited to collection of assessments directly from producers and/or collection of assessments from each miller or handler of wild rice on all wild rice received by him/her from a producer at the rate approved by the Department pursuant to the provisions of this Program. The miller or handler may however, deduct any assessment paid for and on behalf of a producer from any money owed by the miller or handler to the producer. The administrative rules and regulations shall also provide for collection of assessments on seed wild rice. Failure of the Board to make recommendations prior to the commencement of a fiscal year, with the exception of the first year of operation of the Program, will mean that such administrative regulations in effect for the immediately preceding marketing season will automatically apply to the current marketing season.

2. Failure to Pay - Penalty. Any assessment levied hereunder shall be payable only one time, shall constitute a personal debt of every person so assessed, and shall be due and payable to the Department or the Board upon demand. In the event of failure of any person to pay any assessment hereunder, the Department may file a complaint against such person in a State court of competent jurisdiction for the collection thereof pursuant to the provisions of Section 58929 of the Act. The Department may add to any unpaid assessment a collection expense penalty not to exceed ten percent (10%) of such unpaid assessment.

Section D. REFUNDS.

Any money collected as assessments during a marketing season and not expended in connection with this Program may, at the discretion of the Department, be refunded after the close of any marketing season upon a pro rata basis to all persons from whom assessments were collected; or all or a portion of such money as may be recommended by the Board and approved by the Department may be carried over

into the next marketing season if the Department finds that such money may be required in defraying the costs of this Program in such succeeding season.

Section E. BONDS.

The Department may require that any and all persons handling substantial funds collected pursuant to the provisions of this Program shall execute and deliver to the Department a bond or bonds in such amount as the Department may designate with surety thereon satisfactory to the Department, conditioned upon the faithful performance of the duties of such person pursuant to the provisions of this California Wild Rice Program.

ARTICLE VIII – GENERAL PROVISIONS

Section A. ADMINISTRATIVE RULES AND REGULATIONS.

Upon the recommendation of the California Wild Rice Board, the Department is authorized to issue and make effective administrative rules and regulations and interpretations of terms as provided for under Article 18 of the Act.

Section B. COORDINATION WITH OTHER STATE OR FEDERAL MARKETING ORDERS.

Insofar as may be practicable, the administration of this Program may be coordinated with any other marketing order or agreement or program that may be made effective for wild rice under either State or Federal Statutes, or may be coordinated with State or Federal marketing orders or agreements or programs for any other commodity.

ARTICLE IX - BOOKS AND RECORDS

Section A. BOOKS AND RECORDS.

Any and all persons subject to the provisions of this Program shall maintain books and records reflecting their operations under this Program and shall furnish to the Department or its duly authorized or designated representatives, such information as may be, from time to time, requested by them relating to operations under this Program and shall permit the inspection by said Department, or its duly authorized or designated representatives, of such portions of such books and records as may relate to operations under said Program.

On or before May 31 of each growing season, each wild rice producer shall report to the Wild Rice Board the number of acres he/she has planted or intends to plant during that particular growing season. The

information obtained from each individual grower shall be confidential and shall not be released for any purpose.

Section B. CONFIDENTIAL INFORMATION.

Any information obtained by any person pursuant to the provisions of this Article shall be confidential and shall not be by him/her disclosed to any other person save to a person with like right to obtain the same or any attorney employed by the Department or the Board to give legal advice thereupon or by court order.

Section C. IMMUNITY.

No person shall be excused from attending and testifying or from producing documentary evidence before the Department in obedience to the subpoena of the Department on the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him/her may tend to incriminate him/her or subject him/her to a penalty or forfeiture. But no natural person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transactions, matter, or thing concerning which he/she may be so required to testify, or produce evidence, documentary or otherwise, before the Department in obedience to a subpoena issued by it.

ARTICLE X – APPEALS

Section A. APPEALS.

Any person affected by this Wild Rice Program may petition the Department to review any order or decision of the Board or any of its committees. Any such petition must be filed in writing setting forth the facts upon which it is based.

Section B. EFFECT OF APPEAL.

Pending the disposition of any appeal set forth in Section A of this Article, the parties shall abide by the order or decision of said Board, unless the Department shall rule otherwise. The Department shall, if the facts stated show reasonable grounds, grant any order or decision upon which an appeal is taken.

ARTICLE XI – DURATION OF IMMUNITIES**Section A. DURATION OF IMMUNITIES.**

The Benefits, privileges, and immunities conferred by virtue of the provisions hereof shall cease upon its termination, except with respect to acts done under and during the time the provisions hereof are in force and effect.

ARTICLE XII – AGENTS**Section A. AGENTS.**

The Department may, by designation in writing, name any person or persons, including officers or employees of the California Department of Food and Agriculture, to act as its agent or agents, with respect to any provision of this Wild Rice Program.

ARTICLE XIII – RELATION TO OTHER LEGISLATION**Section A. ANTI-TRUST LAWS.**

In any civil or criminal action or proceeding for violation of the Cartwright Act, the unfair Practices Act, the Fair Trade Act, Section 16600 of the Business and Professions Code, or any rule of statutory or common law against monopolies or combinations in restraint of trade, proof that the act complained of was done in compliance with the provisions of this Program and in furtherance of the purposes and provisions of the Act shall be a complete defense to such action or proceeding.

ARTICLE XIV – SEPARABILITY**Section A. SEPARABILITY.**

If any provision hereof is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder hereof, or the applicability thereof to any other person, circumstance, or thing, shall not be affected thereby.

ARTICLE XV – EFFECTIVE TIME AND TERMINATION

Section A. EFFECTIVE TIME.

This Program shall become effective on the date specified by the Department and shall continue in effect until suspended or terminated by the Department or by operation of law in accordance with the provisions of the Act; provided, that beginning in 1991 and every fifth (5th) year thereafter, the Department shall conduct a referendum of producers to determine whether or not this Program should be continued. If a majority of the producers voting in the referendum vote in favor of continuation, the Program shall be continued.

Section B. TERMINATION.

Pursuant to the provisions of Section 59081 of the Food and Agricultural Code, the Department shall suspend or terminate this Program, or any provision thereof, whenever it finds, after a public hearing duly noticed and held in accordance with the provisions of Article 6 of Chapter 1, Division 21 of said Agricultural Code, that this Program, or any provisions thereof, is contrary to or does not tend to effectuate the declared purposes or provisions of the Act within the standards and subject to the limitations and restrictions therein imposed; provided, that such suspension or termination shall not become effective until expiration of the then current marketing season. The Department shall also suspend the provisions or terminate this Program in accordance with the provisions of Sections 59082, 59084, or 59085 of the Act.

Section C. EFFECT OF TERMINATION, SUSPENSION, OR AMENDMENT.

Unless otherwise expressly provided for in the notice of amendment, suspension, or termination, no amendment, suspension, or termination of the Program issued by the Department shall (a) affect, waive, or terminate any right, duty, obligation, or liability which shall have arisen or may thereafter arise in connection with any other provisions of said Program not so amended, suspended, or terminated; (b) release, condone, or dismiss any violation of said Program occurring prior to the effective time of such amendment, suspension, or termination; (c) affect or impair any right or remedy of the Department or of any person with respect to any such violation; or (d) affect any liabilities pursuant to the provisions of this Program.