

CHAPTER 84.

[H. B. 149.]

AUTHORIZING STATE CHEMIST TO APPOINT
AN ASSISTANT.

AN ACT authorizing the state chemist, at the request of the director of agriculture, to appoint an assistant to the state chemist, requiring the payment of certain fees, the recording of the analyses of commercial feeding stuffs, commercial fertilizers and livestock remedies, establishing a standard sack, providing for the enforcement and prescribing penalties for the violation thereof, amending section 2729 of Remington's Compiled Statutes and making an appropriation.

Be it enacted by the Legislature of the State of Washington:

SECTION 1. The state chemist shall have the power and he may at the request of the director of agriculture appoint a competent graduate chemist to serve as assistant to the state chemist in the analysis and testing of such commercial feeding stuffs, commercial fertilizers and/or livestock remedies as said director of agriculture, his supervisors, deputies, inspectors or assistants may, in the performance of their duties, require in the enforcement of the feed and fertilizer laws.

Assistant
to state
chemist.

SEC. 2. The director of agriculture shall cause to be collected and analyzed samples of concentrated commercial feeding stuffs and/or commercial fertilizers as defined in section 7016 and section 2829 of Remington's Compiled Statutes and/or livestock remedies which may, from time to time, be sold or offered or exposed for sale or distribution in this state and the director of agriculture shall cause to be tabulated and maintained available for public inspection a record of the results of such analyses as rapidly as the progress of the work will allow. A copy of each analysis of any concentrated commercial feeding stuff shall be forwarded promptly to

Commercial
feeding
stuffs, etc.,
analyzed.

the manufacturer and/or importer, agent or vender thereof.

Manufacturer, importer, etc., registration.

SEC. 3. The manufacturer, importer, mixer, distributor, agent or vender of each concentrated commercial feeding stuff and/or commercial fertilizer as defined in section two (2) of this act and/or livestock remedies before selling, offering or exposing for sale or distributing in the State of Washington, shall pay to the director of agriculture on or before the first day of June, 1933, and on or before the first day of April of each calendar year thereafter the registration fee of six dollars (\$6.00) for each such registration made, which fee shall be paid into the state treasury and used exclusively for the maintenance and for the enforcement of the provisions of this act: *Provided*, That any surplus accumulating from the collections herein specified together with any fines collected as provided in section 7019 of Remington's Compiled Statutes may be used for the purchase of necessary additional equipment to facilitate the testing and analysis of commercial feeding stuffs, commercial fertilizers and/or livestock remedies; except forty per cent (40%) of such fees and fines herein provided which amount shall be deposited in a special fund for the ultimate establishment of a state laboratory for the testing and analysis of commercial feeding stuffs, commercial fertilizers, and/or livestock remedies.

Fee.

Disposition of funds.

Definition.

The words "manufacturer, importer, mixer, distributor, agent or vender" in this act shall be deemed to include any individual, firm, corporation or association engaged in the manufacture and/or mixing of any concentrated commercial feeding stuff, commercial fertilizer and/or livestock remedy which is exposed, offered for sale or distributed in the State of Washington.

SEC. 4. A standard sack of concentrated commercial feeding stuff as defined in section 7016 of

Remington's Compiled Statutes, except wheat by-product feeds, shall contain one hundred (100) pounds net weight and a standard sack of concentrated commercial feeding stuff, except wheat by-product feeds, need have no statement of the weight of its contents but it shall be unlawful to distribute, sell or offer for sale concentrated commercial feeding stuffs, except wheat by-product feeds, by the sack in sacks containing more or less than the standard of one hundred (100) pounds: *Provided*, That nothing in this act shall be construed to restrict or prohibit the sale of any concentrated commercial feeding stuffs by the ton or fraction thereof in sacks where each of such sacks is labeled in plain English words and figures with the true net weight of the concentrated commercial feeding stuffs contained therein.

Standard
sack,
100 lbs.

Other sacks.

SEC. 5. That section 2729 of Remington's Compiled Statutes shall be amended to read as follows:

Amends
§ 2729, Rem.
Comp. Stat.

Section 2729. The chemist of the State College of Washington, the dean of the college of pharmacy of the University of Washington, and the chemist provided for in section one (1) of this act shall be the chemists of the department of agriculture, and it shall be the duty of such chemists or either of them to analyze such substances only as the director of agriculture, his deputies or inspectors may deliver to them, in the performance of their duties in connection with the enforcement of the feed and fertilizer laws and report to the director without unnecessary delay, the result of any analyses so made, and when called upon by said director any such chemist shall assist, as an expert or otherwise, in any prosecution for the violation of any law pertaining to the department. The two chemists first named in this section shall serve without compensation other than their expenses necessarily incurred in the performance of such work.

Chemists of
department
of agri-
culture.

Repeals
§ 2838, Rem.
Comp. Stat.

SEC. 6. That section 2838 of Remington's Compiled Statutes be and the same is hereby repealed.

Director of
agriculture.

SEC. 7. It shall be the duty of the director of agriculture to enforce all the provisions of this act and to make all rules and regulations not otherwise herein provided, necessary for the enforcement of the same.

Violation.

SEC. 8. Whoever violates any of the provisions of this act, shall be guilty of a misdemeanor and upon conviction thereof, shall for the first offense be fined not more than one hundred dollars (\$100.00) and for the second and each subsequent offense not more than five hundred dollars (\$500.00).

Penalty.

Appropriation.

SEC. 9. For the purpose of carrying out the provisions of this act there is hereby appropriated out of the fund in the state treasury, created by this act, the sum of twenty thousand dollars (\$20,000.00) not however to exceed collections as herein provided.

Partial
invalidity.

SEC. 10. If any section or part of a section of this act shall for any cause be held unconstitutional such holdings shall not affect the rest of the act or any other section or part thereof.

Passed the House February 20, 1933.

Passed the Senate March 3, 1933.

Approved by the Governor March 11, 1933.