required after the final hearing, the boards may act jointly but in such case a majority of each board must vote favorably on such final action and the order shall be entered in the minutes of each board.

Passed the Senate March 8, 1963.
Passed the House March 12, 1963.
Approved by the Governor March 21, 1963.

CHAPTER 58.
[ S. B. 265. ]

DAIRIES AND DAIRY PRODUCTS.

AN ACT relating to dairies and dairy products; repealing sections 15.32.020, 15.32.030, 15.32.040 and 15.32.050, chapter 11, Laws of 1961 and RCW 15.32.020, 15.32.030, 15.32.040 and 15.32.050 and constituting the same as rules of the department of agriculture; amending section 15.32.100, chapter 11, Laws of 1961 and RCW 15.32.100; repealing sections 15.32.210 and 15.32.290, chapter 11, Laws of 1961 and RCW 15.32.210 and 15.32.290; amending sections 15.32-.390, 15.32.580, 15.32.582, 15.32.584, 15.32.590, 15.32.600, 15-,32.610 and 15.32.630, chapter 11, Laws of 1961 and RCW 15.32.390, 15.32.580, 15.32.582, 15.32.584, 15.32.590, 15.32.600, 15.32.610 and 15.32.630; repealing sections 15.32.640 and 15.32.650, chapter 11, Laws of 1961 and RCW 15.32.640 and 15.32.650; and adding new sections to chapter 11, Laws of 1961 and chapter 15.32 RCW.

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

SEC. 1. Sections 15.32.020, 15.32.030, 15.32.040 and 15.32.050, chapter 11, Laws of 1961 and RCW 15.32.020, 15.32.030, 15.32.040 and 15.32.050 are each repealed.

SEC. 2. There is added to chapter 11, Laws of 1961 and chapter 15.32 RCW a new section to read as follows:

The director may, by rule, establish and/or amend definitions and standards for dairy products. Such definitions and standards established by the
director shall conform, insofar as practicable, with the definitions and standards for dairy products promulgated by the secretary of the United States department of health, education and welfare: Provided, That the director shall at all times provide reasonable standards for ice milk.

The director may adopt any other rules necessary to carry out the purposes of this chapter. The adoption of all rules provided for in this section shall be subject to the provisions of chapter 34.04 RCW as enacted or hereafter amended concerning the adoption of rules, except as otherwise provided in this section.

The definitions constituting sections 15.32.020, 15.32.030, 15.32.040 and 15.32.050, chapter 11, Laws of 1961 and RCW 15.32.020, 15.32.030, 15.32.040 and 15.32.050 hereinabove repealed as statutes are hereby constituted and declared to be operative and to remain in force as the rules of the department of agriculture until such time as amended, modified, or revoked by the director of agriculture.

SEC. 3. Section 15.32.100, chapter 11, Laws of 1961 and RCW 15.32.100 are each amended to read as follows:

Every person who sells, offers or exposes for sale, barters, or exchanges any milk or milk product as defined in RCW 15.36.010, or departmental rules and regulations which may be substituted therefore, must have a milk vendor's license to do so: Provided, That such license shall not include retail stores or restaurants which purchase milk prepackaged or bottled elsewhere for sale at retail or establishments which sell milk only for consumption in such establishment. Such license, issued by the director on application and payment of a fee of two dollars, shall contain the license number, and name, residence and place of business, if any, of the licensee. It shall be nontransferable, shall expire June 30th
subsequent to issue, and may be revoked by the
director, upon reasonable notice to the licensee, for
any violation of or failure to comply with any pro-
vision of this chapter or any rule or regulation, or
order of the department, or any officer or inspector
thereof.

SEC. 4. Sections 15.32.210 and 15.32.290, chapter
11, Laws of 1961 and RCW 15.32.210 and 15.32.290
are each repealed.

SEC. 5. Section 15.32.390, chapter 11, Laws of
1961 and RCW 15.32.390 are each amended to read
as follows:

"Pasteurization," "pasteurize" and similar terms
refer to the process of heating every particle of milk
or milk products to at least one hundred forty-five
degrees Fahrenheit, and holding at such temperature
for at least thirty minutes, or to at least one hundred
sixty-one degrees Fahrenheit, and holding at such
temperature for at least fifteen seconds in approved
and properly operated equipment under the provi-
sions of this chapter: Provided, That nothing con-
tained in this definition shall be construed as disbar-
ing any other process which has been demonstrated
to be equally efficient and which is approved by the
director.

SEC. 6. Section 15.32.580, chapter 11, Laws of
1961 and RCW 15.32.580 are each amended to read
as follows:

Any person who tests milk or cream or the fluid
derivatives thereof, purchased, received, or sold on
the basis of milk fat, nonfat milk solids, or other
components contained therein, or who takes samples
of milk or cream or fluid derivatives thereof, on which
sample tests are to be made as a basis of payment,
or who grades, weighs, or measures milk or cream
or the fluid derivatives thereof, the grade, weight, or
measure to be used as a basis of payment, or who

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operates equipment wherein milk or products thereof are pasteurized must hold a dairy technician’s license. Such license shall be limited to those functions which the licensee has been found qualified by examination to perform. Before issuing the license the director shall examine the applicant as to his qualifications for the functions for which application has been made.

SEC. 7. Section 15.32.582, chapter 11, Laws of 1961 and RCW 15.32.582 are each amended to read as follows:

Application for a license as a dairy technician to perform one or more of the functions of a tester, sampler, weigher, grader, or pasteurizer shall be made upon forms to be provided and furnished by the director, and shall be filed with the department. The director may issue a temporary permit to the applicant to perform one or more of the functions of a tester, sampler, weigher, grader, or pasteurizer for such period as may be prescribed and stated in said permit, not to exceed sixty days, but such permit shall not be renewed so as to extend the period beyond sixty days.

SEC. 8. Section 15.32.584, chapter 11, Laws of 1961 and RCW 15.32.584 are each amended to read as follows:

The initial application for a dairy technician’s license shall be accompanied by the payment of a license fee of ten dollars. Where such license is renewed and it is not necessary that an examination be given the fee for renewal of the license shall be five dollars. All dairy technicians’ licenses shall be renewed on or before January 1, 1964 and every two years thereafter. The director is authorized to deny, suspend, or revoke any dairy technician’s license subject to a hearing if the licensee has failed to comply with the provisions of this chapter, or has exhib-
ITED in the discharge of his functions any gross carelessness or lack of qualification, or has failed to comply with the rules and regulations adopted under authority of this chapter. All hearings for the suspension, denial, or revocation of such license shall be subject to the provisions of chapter 34.04 RCW as enacted or hereafter amended, concerning contested cases.

Sec. 9. Section 15.32.590, chapter 11, Laws of 1961 and RCW 15.32.590 are each amended to read as follows:

Licensed dairy technicians shall personally take all samples, conduct all tests, and determine all weights and grades of milk or cream bought, sold, or delivered upon the basis of weight or grade or on the basis of the milk fat, nonfat milk solids, or other components contained therein. Each licensee shall keep a carbon copy of every original report of each test, weight, or grade made by him for a period of two months after making same, in a locked container, but subject to inspection at all times by the director or his agent.

Sec. 10. Section 15.32.600, chapter 11, Laws of 1961 and RCW 15.32.600 are each amended to read as follows:

Each dairy technician shall be personally responsible to any person injured through his careless, negligent, or unskillful operation, or any fraudulent, intentionally inaccurate, or manipulated report.

Sec. 11. Section 15.32.610, chapter 11, Laws of 1961 and RCW 15.32.610 are each amended to read as follows:

No person shall employ a tester, sampler, weigher, grader, or pasteurizer who is not licensed as a dairy technician; or refuse to allow or fail to assist the director or his agent in the examination of the reports referred to in RCW 15.32.590.
Whoever violates the provisions of this section or RCW 15.32.590 may be fined not less than twenty-five nor more than one hundred dollars, and his license hereunder revoked.

Sec. 12. Section 15.32.630, chapter 11, Laws of 1961 and RCW 15.32.630 are each amended to read as follows:

The director may, by rule, establish and/or amend methods, procedures, equipment, and standards to be used and followed in the grading, sampling, weighing, measuring, or testing of milk or cream or the fluid derivatives thereof when the results of such functions are to be used as the basis of payment for milk or cream or the fluid derivatives thereof. Such methods, procedures, equipment, and standards shall conform insofar as practicable with the methods, procedures, equipment, and standards in the latest edition of "Standard Methods for the Analysis of Dairy Products" recommended by the American public health association: Provided, That nothing contained in this section shall be construed as prohibiting any other methods, procedures, equipment, or standards which have been demonstrated to be accurate and efficient and have been approved by the director.

The adoption of all rules provided for in this section shall be subject to the provisions of chapter 34.04 RCW as enacted or hereafter amended concerning the adoption of rules.

Sec. 13. Sections 15.32.640 and 15.32.650, chapter 11, Laws of 1961 and RCW 15.32.640 and 15.32.650 are each repealed.

Sec. 14. There is added to chapter 11, Laws of 1961 and chapter 15.32 RCW a new section to read as follows:

The director may bring an action to enjoin the violation of any provision of this chapter or rules
adopted hereunder in the superior court of the county in which the defendant resides or maintains his principal place of business, notwithstanding the existence of any other remedy at law.

Passed the Senate March 9, 1963.
Passed the House March 12, 1963.
Approved the Governor March 21, 1963.

CHAPTER 59.
[S. B. 343.]

PUBLIC SERVICE COMPANIES.


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

Section 1. Section 80.04.010, chapter 14, Laws of 1961 and RCW 80.04.010 are each amended to read as follows:

As used in this title, unless specifically defined otherwise or unless the context indicates otherwise:

"Commission" means the utilities and transportation commission.