

CHAPTER 26

[Senate Bill No. 2208]

AGRICULTURE—HORTICULTURE DISTRICT FUNDS—SEED LABELING AND
 CERTIFICATION—MARKETING POWERS—WEIGHTS AND MEASURES—
 NOXIOUS WEED CONTROL BOARDS

AN ACT Relating to agriculture; amending section 25, chapter 122, Laws of 1963 as amended by section 3, chapter 76, Laws of 1969 ex. sess. and RCW 15.17.250; amending section 25, chapter 63, Laws of 1969 and RCW 15.49.250; amending section 34, chapter 63, Laws of 1969 and RCW 15.49.340; amending section 21, chapter 256, Laws of 1961 and RCW 15.65.210; amending section 19, chapter 67, Laws of 1969 and RCW 19.94.190; and amending section 5, chapter 113, Laws of 1969 ex. sess. as last amended by section 3, chapter 13, Laws of 1975 1st ex. sess. and RCW 17.10.050.

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

Section 1. Section 25, chapter 122, Laws of 1963 as amended by section 3, chapter 76, Laws of 1969 ex. sess. and RCW 15.17.250 are each amended to read as follows:

On the thirtieth day of June of each year the inspectors-at-large shall render to the ~~((commissioners))~~ legislative authority of every county in which such service has been rendered in their districts, a complete account of the past year's business. In the event that there is money remaining in any horticulture district fund after all expenses for ~~((such services have been paid, then, this amount shall be remitted to the contributors to such fund to the extent that it is in excess of fifty percent of the greater of the following amounts: (1) the gross fee income of the district for the fiscal year from which said excess remains; (2) the higher gross fee income of the two fiscal years immediately preceding the fiscal year from which said excess remains. PROVIDED, That any remittance to a contributor under this section shall be in proportion to the amount such person contributed))~~ the current year's services have been paid, the service fees charged to contributors in the following year shall be reduced by the amount by which the money remaining in the fund exceeds the average of the gross fee income for the current year and the immediately preceding year.

Sec. 2. Section 25, chapter 63, Laws of 1969 and RCW 15.49.250 are each amended to read as follows:

"Certifying agency" means (1) an agency authorized under the laws of a state, territory, or possession to officially certify seed and which employs standards and procedures approved by the United States secretary of agriculture to assure the genetic purity and identity of the seed certified, or (2) an agency of a foreign country that adheres to procedures and standards for seed certification comparable to those established under the provisions of this chapter and the regulations adopted thereunder.

Sec. 3. Section 34, chapter 63, Laws of 1969 and RCW 15.49.340 are each amended to read as follows:

It shall be unlawful for any person:

(1) To distribute mislabeled seed. Seed shall be deemed to be mislabeled:

(a) If the germination test, required by RCW 15.49.320 has not been completed within the following time limitations:

(i) Eight months for seeds distributed to a dealer for resale.

(ii) Eighteen months for seeds distributed by a dealer at retail.

(iii) When seeds are packaged under conditions which the department has determined will prolong their viability, the department may designate a longer period than otherwise specified in this section, and may require additional labeling to maintain identification of seed packaged under such conditions.

(b) If it is not labeled in accordance with RCW 15.49.320 or regulations adopted thereunder: PROVIDED, That no person shall be subject to the penalties of this chapter for having distributed seed which is incorrectly labeled or misrepresented as to kind, type, variety, or origin and which seed cannot be identified by examination thereof, if he possesses, at the time of notification of the violation, an invoice or a declaration from a distributor or grower giving kind, type, variety, or origin, and if he has taken such other precautions necessary to insure the identity to be that stated.

(c) If advertising or labeling is false or misleading in any way.

(d) If composition or quality falls below or differs from that which it is purported or represented to be by its labeling.

(e) If it consists of or contains prohibited noxious weed seeds.

(f) If it consists of or contains restricted noxious weed seeds in excess of the number declared on the label: PROVIDED, That the maximum number of restricted noxious weed seeds per pound shall not exceed that amount established by regulations.

(g) If the total weed seed content is in excess of two percent.

(h) If it contains less than twenty-five percent pure live seed.

(i) If its labeling represents it to be foundation, registered or certified seed unless it has been inspected and tagged accordingly by a certifying agency meeting certification standards of the department.

(j) If a white, purple, or blue colored tag is attached which is of similar size and format to the official certification tag which could be mistaken for the official certification tag.

(k) If labeled with a variety name but not certified by a certifying agency when it is a variety for which a certificate of plant variety protection under the federal plant variety protection act (84 Stat. 1542, 7 U.S.C. Sec. 2321 et. seq.) specifies sale only as a class of certified seed: PROVIDED, That seed from a certified lot may be labeled as to variety name when used in a mixture by, or with the approval of, the owner of the variety.

(2) To detach, alter, deface, or destroy any seed label or alter or substitute seed in a manner that may defeat the purpose of this chapter.

(3) To hinder or obstruct the department in the performance of its duties under this chapter.

(4) To engage in the cleaning of seeds, entered by growers for certification, without first having obtained a seed processing permit from the department.

(5) To distribute screenings for seeding purposes.

Sec. 4. Section 21, chapter 256, Laws of 1961 and RCW 15.65.210 are each amended to read as follows:

The director shall administer, enforce, direct, and control every marketing agreement and order in accordance with its provisions. For such purposes he shall

include in each order and he may include in each agreement provisions for the employment of such administrator and such additional personnel (including attorneys engaged in the private practice of law, subject to the approval and supervision of the attorney general) as he determines are necessary and proper for such order or agreement to effectuate the declared policies of this chapter. Such provisions may provide for the qualifications, method of selection, term of office, grounds of dismissal and the detailed powers and duties to be exercised by such administrator or board and by such additional personnel, including the authority to borrow money and incur indebtedness, and may also provide either that the said administrative board shall be the commodity board or that the administrator or administrative board be designated by the director or the governor.

Sec. 5. Section 19, chapter 67, Laws of 1969 and RCW 19.94.190 are each amended to read as follows:

The director shall enforce the provisions of this chapter and shall issue from time to time reasonable rules and regulations for enforcing and carrying out the purposes of this chapter. Such rules and regulations shall have the effect of law and may include (1) standards of net weight, measure, or count, and reasonable standards of fill for any commodity in package form, (2) rules governing the technical and reporting procedures to be followed, and the report and record forms and marks of rejection to be used by the director and city sealers in the discharge of their official duties, (3) rules governing technical test procedures, reporting procedures, record and reporting forms to be used by commercial firms when installing, repairing or testing commercial weights or measures, (4) rules providing that all weights and measures used by commercial firms in repairing or servicing commercial weighing and measuring devices shall be calibrated by the department and be directly traceable to state standards and shall be submitted to the department for calibration and certification as necessary and/or at such reasonable intervals as may be established or required by the director, (5) exemptions from the sealing or marking requirements of RCW 19.94.250 with respect to weights and measures of such character or size that such sealing or marking would be inappropriate, impracticable, or damaging to the apparatus in question, (6) exemptions from the requirements of RCW 19.94.200 and 19.94.210 for testing, with respect to classes of weights and measures found to be of such character that periodic retesting is unnecessary to continued accuracy. These regulations shall include specifications, tolerances, and regulations for weights and measures of the character of those specified in RCW 19.94.210, designed to eliminate from use, without prejudice to apparatus that conforms as closely as practicable to the official standards, those (a) that are not accurate, (b) that are of such construction that they are faulty, that is, that are not reasonably permanent in their adjustment or will not repeat their indications correctly, or (c) that facilitate the perpetration of fraud. The specifications, tolerances, and regulations for commercial weighing and measuring devices, together with amendments thereto, as recommended by the national bureau of standards Handbook 44, third edition as published at the time of the enactment of this chapter shall be the specifications, tolerances, and regulations for commercial weighing and/or measuring devices of the state. ~~((The director may, at his discretion, adopt by regulation any supplement to the national bureau of standards Handbook 44, third edition or any subsequent similar publication by such bureau.))~~

To promote uniformity, any supplements or amendments to Handbook 44 or any similar subsequent publication of the national bureau of standards shall be deemed to have been adopted under this section. The director may, however, within thirty days of the publication or effective date of Handbook 44 or any supplements, amendments, or similar publications give public notice that a hearing will be held to determine if such publications should not be applicable under this section. The hearing shall be conducted under chapter 34.04 RCW. For the purpose of this chapter, apparatus shall be deemed to be "correct" when it conforms to all applicable requirements promulgated as specified in this section; all other apparatus shall be deemed to be "incorrect".

Sec. 6. Section 5, chapter 113, Laws of 1969 ex. sess. as last amended by section 3, chapter 13, Laws of 1975 1st ex. sess. and RCW 17.10.050 are each amended to read as follows:

(1) Each activated county noxious weed control board shall consist of five voting members who shall, at the board's inception, be appointed by the county legislative authority and elected thereafter by the property owners subject to the board. In appointing such voting members, the county legislative authority shall divide the county into five sections, none of which shall overlap and each of which shall be of the same approximate area, and shall appoint a voting member from each section. At least four of such voting members shall be engaged in the primary production of agricultural products. There shall be one nonvoting member on such board who shall be the chief county extension agent or an extension agent appointed by the chief county extension agent. Each voting member of the board shall serve a term of two years, except that the county legislative authority shall, when a board is first activated under this chapter, designate two voting members to serve terms of one year. The board members shall not receive a salary but shall be compensated for actual and necessary expenses incurred in the performance of their official duties.

(2) The elected members of the board shall represent the same districts designated by the county legislative authority in appointing members to the board at its inception. Members of the board shall be elected at least thirty days prior to the expiration of any board member's term of office.

The nomination and election of elected board members shall be conducted by the board at a public meeting held in the section where board memberships are about to expire. Elections at such meetings shall be by secret ballot, cast by the landowners residing in the section where an election for a board member is being conducted. The nominee receiving the majority of votes cast shall be deemed elected, and if there is only one nomination, said nominee shall be deemed elected unanimously.

Notice of such nomination and election meeting shall be (~~((mailed to all affected landowners thirty days prior to such meeting. Notice shall be))~~) published at least twice in a weekly or daily newspaper of general circulation in said section(~~((PROVIDED, That mailed notice shall not be required if assessments provided for in RCW 17.10.240 as now or hereafter amended are not invoked))~~) with last publication occurring at least ten days prior to the meeting.

(3) Within thirty days after all the members have been appointed, the board shall conduct its first meeting. A majority of the voting members of the board shall constitute a quorum for the transaction of business and shall be necessary for any

action taken by the board. The board shall elect from its members a chairman and such other officers as may be necessary.

(4) In case of a vacancy occurring in any elected position on a county noxious weed control board, the county legislative authority of the county in which such board is located shall appoint a qualified person to fill the vacancy for the unexpired term.

Passed the Senate May 5, 1977.

Passed the House May 9, 1977.

Approved by the Governor May 16, 1977.

Filed in Office of Secretary of State May 16, 1977.

CHAPTER 27

[House Bill No. 755]

IDENTICARDS AND DRIVERS' LICENSES—PROTECTION AGAINST FALSIFICATION
AN ACT Relating to identicards and drivers' licenses; and adding new sections to chapter 46.20 RCW.
 Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Section 1. There is added to chapter 46.20 RCW a new section to read as follows:

The legislature finds that the falsification of cards and licenses is a serious social problem creating economic hardship and problems which impede the efficient conduct of commerce and government. The legislature is particularly concerned that the increasing use of false drivers' licenses and identicards to purchase liquor, to cash bad checks, and to obtain food stamps and other benefits is causing the loss of liquor licenses, the loss of jobs, the loss of income, and the loss of human life in addition to significant monetary losses in business and government. It is the purpose of section 2 of this act to require an effective means of rendering drivers' licenses and identicards as immune as possible from alteration and counterfeiting in order to promote the public health and safety of the people of this state.

NEW SECTION. Sec. 2. There is added to chapter 46.20 RCW a new section to read as follows:

On and after January 1, 1978, the department shall implement and use such process or processes in the preparation and issuance of drivers' licenses and identicards that prohibit as nearly as possible the alteration or reproduction of such cards, or the superimposing of other photographs on such cards, without ready detection.

Passed the House March 31, 1977.

Passed the Senate May 9, 1977.

Approved by the Governor May 16, 1977.

Filed in Office of Secretary of State May 16, 1977.