

the application of the provision to other persons or circumstances is not affected.

Passed the Senate March 5, 1979.

Passed the House March 2, 1979.

Approved by the Governor March 29, 1979.

Filed in Office of Secretary of State March 29, 1979.

CHAPTER 154

[Engrossed Substitute Senate Bill No. 2254]

AGRICULTURE, OMNIBUS REGULATIONS—APPROPRIATION

AN ACT Relating to agriculture; amending section 33, chapter 63, Laws of 1969 and RCW 15.49.330; amending section 7, chapter 31, Laws of 1965 ex. sess. and RCW 15.53.902; amending section 24, chapter 22, Laws of 1967 ex. sess. as amended by section 10, chapter 257, Laws of 1975 1st ex. sess. and RCW 15.54.360; amending section 7, chapter 256, Laws of 1961 and RCW 15.65.070; amending section 49, chapter 256, Laws of 1961 as amended by section 10, chapter 106, Laws of 1973 and RCW 15.65.490; amending section 2, chapter 31, Laws of 1951 as amended by section 14, chapter 7, Laws of 1975 1st ex. sess. and RCW 16.13.020; amending section 3, chapter 31, Laws of 1951 as amended by section 15, chapter 7, Laws of 1975 1st ex. sess. and RCW 16.13.030; amending section 1, chapter 165, Laws of 1927 as last amended by section 2, chapter 17, Laws of 1953 and RCW 16.36.020; amending section 3, chapter 165, Laws of 1927 as amended by section 2, chapter 172, Laws of 1947 and RCW 16.36.030; amending section 4, chapter 165, Laws of 1927 as amended by section 3, chapter 172, Laws of 1947 and RCW 16.36.040; amending section 5, chapter 165, Laws of 1927 as amended by section 4, chapter 172, Laws of 1947 and RCW 16.36.050; amending section 6, chapter 165, Laws of 1927 as amended by section 5, chapter 172, Laws of 1947 and RCW 16.36.060; amending section 9, chapter 165, Laws of 1927 as amended by section 8, chapter 172, Laws of 1947 and RCW 16.36.090; amending section 2, chapter 160, Laws of 1957 and RCW 16.36.095; amending section 11, chapter 165, Laws of 1927 as last amended by section 1, chapter 161, Laws of 1959 and RCW 16.40.010; amending section 12, chapter 165, Laws of 1927 as last amended by section 10, chapter 172, Laws of 1947 and RCW 16.40.060; amending section 1, chapter 54, Laws of 1959 as amended by section 34, chapter 240, Laws of 1967 and RCW 16.57.010; amending section 29, chapter 54, Laws of 1959 as amended by section 6, chapter 120, Laws of 1967 ex. sess. and RCW 16.57.290; amending section 6, chapter 121, Laws of 1967 ex. sess. and RCW 69.07.060; amending section 21, chapter 190, Laws of 1939 and RCW 69.16.160; amending section 15.38.010, chapter 11, Laws of 1961 and RCW 15.38.010; adding a new section to chapter 16.13 RCW; adding a new section to chapter 16.36 RCW; adding a new section to chapter 16.57 RCW; repealing section 13, chapter 165, Laws of 1927 and RCW 16.40.100; repealing section 1, chapter 135, Laws of 1903, section 1, chapter 206, Laws of 1919 and RCW 69.11.010; repealing section 2, chapter 135, Laws of 1903 and RCW 69.11.020; repealing section 3, chapter 135, Laws of 1903 and RCW 69.11.030; repealing section 4, chapter 135, Laws of 1903 and RCW 69.11.040; repealing section 5, chapter 135, Laws of 1903 and RCW 69.11.050; repealing section 6, chapter 135, Laws of 1903 and RCW 69.11.060; repealing section 7, chapter 135, Laws of 1903 and RCW 69.11.070; repealing section 8, chapter 135, Laws of 1903 and RCW 69.11.080; repealing section 9, chapter 135, Laws of 1903 and RCW 69.11.090; repealing section 10, chapter 135, Laws of 1903 and RCW 69.11.100; repealing section 8(a), chapter 137, Laws of 1937, section 1, chapter 169, Laws of 1945 and RCW 69.12.090; repealing section 9, chapter 137, Laws of 1937 and RCW 69.12.100; repealing section 19, chapter 190, Laws of 1939 and RCW 69.16.140; repealing section 20, chapter 190, Laws of 1939 and RCW 69.16.150; repealing section 20, chapter 112, Laws of 1939 and RCW 69.20.130; repealing section 21, chapter 112, Laws of 1939 and RCW 69.20.140; and making an appropriation.

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

Section 1. Section 33, chapter 63, Laws of 1969 and RCW 15.49.330 are each amended to read as follows:

(1) All screenings, removed in the cleaning or processing of seeds, which contain prohibited or restricted noxious weed seeds shall be removed from the seed processing plant only under ~~((permit issued by the department))~~ conditions that will prevent weed seeds from being dispersed into the environment. ~~((It shall be unlawful to distribute, give away, or use screenings for feeding purposes unless the screenings have been ground and/or treated in such a way as to destroy the viability of the noxious weed seeds and have met the requirements of the Washington commercial feed act.))~~

(2) ~~((Every processing or cleaning establishment desiring to grind and/or treat screenings to destroy the viability of weed seeds as required herein, shall submit evidence satisfactory to the department concerning the effectiveness of the method selected. After investigation, the department may issue a permit of authorization to which shall be attached such conditions governing the destruction of weed seed. Such permit of authorization shall be conspicuously displayed in the place of business for which it is issued))~~ The director may by regulation adopt requirements for moving, processing, and/or disposing of screenings.

Sec. 2. Section 7, chapter 31, Laws of 1965 ex. sess. and RCW 15.53-.902 are each amended to read as follows:

It shall be unlawful for any person to distribute an adulterated feed. A commercial feed shall be deemed to be adulterated:

(1) If any poisonous, deleterious, or nonnutritive ingredient has been added in sufficient amount to render it injurious to health when fed in accordance with directions for use on the label;

(2) If any valuable constituent has been in whole or in part omitted or abstracted therefrom and/or any less valuable substance added;

(3) If it contains viable ~~((primary)), prohibited (primary)~~ noxious weed seeds in excess of one per pound, or if it contains viable ((secondary)), restricted (secondary) noxious weed seeds in excess of twenty-five per pound. The primary and secondary noxious weed seeds shall be those as named pursuant to the provisions of chapter ~~((15.48))~~ 15.49 RCW as enacted or hereafter amended and rules adopted thereunder.

Sec. 3. Section 24, chapter 22, Laws of 1967 ex. sess. as amended by section 10, chapter 257, Laws of 1975 1st ex. sess. and RCW 15.54.360 are each amended to read as follows:

(1) Each person made responsible by this chapter for the payment of inspection fees for commercial fertilizers sold in this state shall file a report with the department on ~~((October 1st,))~~ January 1st~~((, April 1st,))~~ and July 1st of each year showing the number of tons of such commercial fertilizers sold during the ~~((three))~~ six calendar months immediately preceding the

date the report is due: PROVIDED, That upon permission of the department, an annual statement under oath may be filed by any person distributing within the state less than ~~((fifty))~~ one hundred tons ~~((per quarter))~~ for each such six-month period during any calendar year, and upon filing such statement such person shall pay the inspection fee at the rate stated in RCW 15.54.350(1) as now or hereafter amended. The department may accept sales records or other records accurately reflecting the tonnage sold in verifying such reports. The proper inspection fee shall be remitted with the report. The person required to file the report and pay the fee shall have a thirty-day period of grace immediately following the day the report and payment are due to file the report, and pay the fee.

(2) Inspection fees which are due and owing and have not been remitted to the department within thirty days following the due date shall have a late-collection fee of ten percent, but not less than five dollars, added to the amount due when payment is finally made. The assessment of this late-collection fee shall not prevent the department from taking any other action as provided for in this chapter.

(3) Notwithstanding the provisions of chapter 42.17 RCW, the report required by subsection (1) ~~((hereof))~~ of this section shall not be a public record, and it shall be a misdemeanor for any person to divulge any information given in such report which would reveal the business operation of the person making the report: PROVIDED, That nothing contained in this subsection shall be construed to prevent or make unlawful the use of information concerning the business operation of a person in any action, suit, or proceeding instituted under the authority of this chapter, including any civil action for collection of unpaid inspection fees, which action is hereby authorized and which shall be as an action at law in the name of the director of the department.

Sec. 4. Section 7, chapter 256, Laws of 1961 and RCW 15.65.070 are each amended to read as follows:

The director shall publish notice of any hearing called for the purpose of considering and acting upon any proposal for a period of not less than ~~((five))~~ two days in a newspaper of general circulation in Olympia and such other newspapers as the director may prescribe. No such public hearing shall be held prior to five days after the last day of such period of publication. Such notice shall set forth the date, time and place of said hearing, the agricultural commodity and the area covered by such proposal; a concise statement of the proposal; a concise statement of each additional subject upon which the director will hear evidence and make a determination, and a statement that, and the address where, copies of the proposal may be obtained. The director shall also mail a copy of such notice to all producers and handlers who may be directly affected by such proposal and whose names and addresses appear, on the day next preceding the day on which

such notice is published, upon lists of such persons then on file in the department.

Sec. 5. Section 49, chapter 256, Laws of 1961 as amended by section 10, chapter 106, Laws of 1973 and RCW 15.65.490 are each amended to read as follows:

The director and each of his designees shall keep or cause to be kept separately for each agreement and order in accordance with accepted standards of good accounting practice, accurate records of all assessments, collections, receipts, deposits, withdrawals, disbursements, paid outs, monies and other financial transactions made and done pursuant to such order or agreement, and the same shall be audited at least annually subject to procedures and methods lawfully prescribed by the state auditor. The books and accounts maintained under every such agreement and order shall be closed as of the last day of each fiscal year of the state of Washington or of a fiscal year determined by the director. A copy of every such audit shall be delivered within thirty days after the completion thereof to the governor and the commodity board of the agreement or order concerned. ~~((The department of agriculture shall make at least annually a composite financial statement showing the financial position under all such orders and agreements as of the last day of the fiscal year of the state of Washington and a copy of such composite financial statement shall be delivered within thirty days after completion thereof to the governor-))~~

Sec. 6. Section 2, chapter 31, Laws of 1951 as amended by section 14, chapter 7, Laws of 1975 1st ex. sess. and RCW 16.13.020 are each amended to read as follows:

Any horses, mules, donkeys, or cattle of any age running at large in violation of RCW 16.13.010 as now or hereafter amended are declared to be a public nuisance, and shall be impounded by the sheriff of the county where found: PROVIDED, That the nearest brand inspector shall also have authority to impound class I estrays as defined in section 22 of this 1979 act.

Sec. 7. Section 3, chapter 31, Laws of 1951 as amended by section 15, chapter 7, Laws of 1975 1st ex. sess. and RCW 16.13.030 are each amended to read as follows:

Upon taking ~~((custody of any animal))~~ possession of a class I estray, the sheriff or brand inspector shall cause it to be transported to and impounded at the nearest public livestock market licensed under chapter 16.65 RCW or at such place as approved by the director. If the sheriff has impounded a class I estray, he shall forthwith notify the nearest brand inspector of the department of agriculture, who shall examine the animal and, by brand, tattoo, or other identifying characteristic, shall attempt to ascertain the ownership thereof.

Sec. 8. Section 1, chapter 165, Laws of 1927 as last amended by section 2, chapter 17, Laws of 1953 and RCW 16.36.020 are each amended to read as follows:

The director of agriculture shall have general supervision of the prevention of the spread and the suppression of infectious, contagious, communicable and dangerous diseases affecting ~~((the domestic))~~ animals within, in transit through, and, by means of the division of ~~((dairy and livestock))~~ animal industry, may establish and enforce quarantine of and against any and all domestic animals which have been fed garbage or which are affected with any such disease or that may have been exposed to others thus affected, whether within or without the state, for such length of time as he deems necessary to determine whether any such animal is infected with any such disease. The director shall also enforce and administer the provisions of RCW 16.36.005, 16.36.020, 16.36.103, 16.36.105, 16.36.107, 16.36.108, 16.36.109 and 16.36.110, and when garbage has been fed to swine he may require the disinfection of all facilities, including yard, transportation and feeding facilities, used for keeping such swine.

Sec. 9. Section 3, chapter 165, Laws of 1927 as amended by section 2, chapter 172, Laws of 1947 and RCW 16.36.030 are each amended to read as follows:

It shall be unlawful for the owner or owners of any ~~((domestic))~~ animal quarantined, or their agents or employees, to fail to place the quarantined animals within the certain described and designated enclosure or area within this state, to break such quarantine or to move, or allow to be moved, any such animal from within the quarantined area, or across the quarantined line, as established, or to sell, exchange or in any other way part with the products of such animals, without first obtaining a permit in writing from the director of agriculture, or his duly authorized representative. Any owner or owners of any quarantined animal or any agent of such owner or owners, who fails to comply with or violates any such quarantine or who negligently allows any such quarantined animal to escape from quarantine, and any other person who removes any quarantined animal from such quarantine shall be guilty of a misdemeanor.

Sec. 10. Section 4, chapter 165, Laws of 1927 as amended by section 3, chapter 172, Laws of 1947 and RCW 16.36.040 are each amended to read as follows:

The director of agriculture shall have power to promulgate and enforce such reasonable rules, regulations and orders as he may deem necessary or proper to prevent the introduction or spreading of infectious, contagious, communicable or dangerous diseases affecting domestic animals in this state, and to promulgate and enforce such reasonable rules, regulations and orders as he may deem necessary or proper governing the inspection and test of all ~~((domestic))~~ animals within or about to be imported into this state, and to promulgate and enforce intercounty embargoes and quarantine

to prevent the shipment, trailing, trucking, transporting or movement of bovine animals from any county that has not been declared modified accredited by the United States (~~(bureau of animal industry)~~) department of agriculture, animal and plant health inspection service, for tuberculosis and/or (~~(Bang's disease)~~) certified brucellosis-free, into a county which has been declared modified accredited by the United States (~~(bureau of animal industry)~~) department of agriculture, animal and plant health inspection service, for tuberculosis and/or (~~(Bang's disease)~~) certified brucellosis-free, unless such animals are accompanied by a negative certificate of tuberculin test made within sixty days and/or a negative (~~(Bang's)~~) brucellosis test made within (~~(ten days, last)~~) the forty-five day period prior to the movement of such animal into such county, issued by a duly authorized veterinary inspector of the state department of agriculture, or of the United States (~~(bureau of animal industry)~~) department of agriculture, animal and plant health inspection service, or an accredited veterinarian authorized by permit issued by the director of agriculture to execute such certificate.

Sec. 11. Section 5, chapter 165, Laws of 1927 as amended by section 4, chapter 172, Laws of 1947 and RCW 16.36.050 are each amended to read as follows:

It shall be unlawful for any person, or any railroad or transportation company, or other common carrier, to bring into this state for any purpose any domestic animals without first having secured an official health certificate, certified by the state veterinarian of origin that such animals meet the health requirements promulgated by the director of agriculture of the state of Washington(~~(, and without having obtained a permit so to do from the director of agriculture or his duly authorized representative)~~): PROVIDED, That this section shall not apply to domestic animals imported into this state for immediate slaughter, or domestic animals imported for the purpose of unloading for feed, rest, and water, for a period not in excess of twenty-eight hours except upon prior permit therefor secured from the director of agriculture. It shall be unlawful for any person to divert en route for other than to (~~(a federal)~~) an approved, inspected stockyard for immediate slaughter or to sell for other than immediate slaughter or to fail to slaughter within fourteen days after arrival, any animal imported into this state for immediate slaughter. It shall be unlawful for any person, railroad, transportation company, or other common carrier, to keep any domestic animals which are unloaded for feed, rest and water in other than quarantined pens, or not to report any missing animals to the director of agriculture at the time the animals are reloaded.

Sec. 12. Section 6, chapter 165, Laws of 1927 as amended by section 5, chapter 172, Laws of 1947 and RCW 16.36.060 are each amended to read as follows:

It shall be unlawful for any person to wilfully hinder, obstruct, or resist the director of agriculture or any duly authorized representative, or any

peace officer acting under him or them, when engaged in the performance of the duties or in the exercise of the powers conferred by this ~~((act))~~ chapter, and it shall be unlawful for any person to wilfully fail to comply with or violate any rule, regulation or order promulgated by the director of agriculture or his duly authorized representatives under the provisions of this ~~((act))~~ chapter. The director of agriculture shall have the authority under such rules and regulations as shall be promulgated by him to make tests on any ~~((domestic))~~ animals for diseased conditions, and it shall be unlawful for any person to interfere with such tests in any manner, or to violate any segregation or identification order made in connection with such tests by the director of agriculture, or his duly authorized representative.

Sec. 13. Section 9, chapter 165, Laws of 1927 as amended by section 8, chapter 172, Laws of 1947 and RCW 16.36.090 are each amended to read as follows:

Whenever in the opinion of the director of agriculture, upon the report of the supervisor or a duly appointed and qualified veterinarian of the division of ~~((dairy and livestock))~~ animal industry, the public welfare demands the destruction of any animal found to be affected with any infectious, contagious, communicable or dangerous disease, he shall be authorized to, by written order, direct such animal to be destroyed by or under the direction of the supervisor or a duly appointed and qualified veterinarian of the division of ~~((dairy and livestock))~~ animal industry.

Sec. 14. Section 2, chapter 160, Laws of 1957 and RCW 16.36.095 are each amended to read as follows:

The director of agriculture may condemn for slaughter any bovine animals which are infected with a highly contagious or communicable disease, other than tuberculosis and ~~((Bang's disease))~~ brucellosis, and pay indemnity therefor in accordance with the provisions of RCW 16.40.080: PROVIDED, That the director shall first ascertain that the best interests of the livestock industry and general public will be served thereby.

Sec. 15. Section 11, chapter 165, Laws of 1927 as last amended by section 1, chapter 161, Laws of 1959 and RCW 16.40.010 are each amended to read as follows:

The director of agriculture of the state shall cause all bovine animals within the state to be examined and tested for the presence or absence of tuberculosis and/or ~~((Bang's disease))~~ brucellosis, and such other tests necessary to prevent the spread of communicable diseases among livestock. Such tests and examinations shall be made under the supervision of the director of agriculture by any duly authorized ~~((veterinary inspector of the department of agriculture))~~ veterinarian, such tests to be made in such manner, and at such reasonable and seasonable times, and in such counties or localities as the director of agriculture may from time to time prescribe.

The giving of such tests and examinations shall commence immediately upon the taking effect of this act in any county or counties which the director of agriculture may select: PROVIDED, HOWEVER, That the owners of a majority of the bovine animals in any county, as shown by the last assessment roll in such county, may petition the director of agriculture to have the bovine animals in the county of their residence tested and examined forthwith, said petition to be filed with the county auditor in the county where such animals are located, and it shall be the duty of the county auditor of such county immediately upon the filing of such a petition to forward to the director of agriculture a certified copy of such petition. The director of agriculture upon receipt of the first petition so filed shall immediately cause the bovine animals in such county to be tested, and ~~((tuberculin))~~ tuberculosis and/or ~~((Bang's disease))~~ brucellosis tests in other counties shall be made under the direction of the director of agriculture in the order in which said petitions are filed as herein provided except when in the opinion of the director of agriculture an emergency exists, by reason of the outbreak of contagious or infectious diseases of animals, and in such event all or any portion of the tests being conducted in the state as a result of a petition may be suspended until such time as the director of agriculture shall decide that such emergency no longer exists, and in such event the testing and examinations herein mentioned shall be renewed.

In the event that no petition to have ~~((tuberculin))~~ tuberculosis and/or ~~((Bang's disease))~~ brucellosis tests of bovine animals made is filed with the county auditor, as herein provided, or in the event that such tests, in the counties having petitioned for such tests, as herein prescribed, are completed, the director of agriculture shall designate in what counties or localities such tests shall be made.

Whenever the owner of any untested bovine animal within the state refuses to have his bovine animal or animals tested then the director of agriculture may order the premises or farm on which such untested animal or animals is harbored to be put in quarantine, so that no domestic animal shall be removed from or brought to the premises quarantined, and so that no products of the domestic animals on the premises so quarantined shall be removed from the said premises.

Every inspector ~~((and))~~ or authorized veterinarian ~~((of the department of agriculture))~~ making examinations and tests, as provided in this section, shall be a veterinarian duly licensed to practice veterinary medicine, surgery and dentistry in this state: PROVIDED, That the veterinary inspectors of the United States ~~((bureau of animal industry))~~ department of agriculture, animal and plant health inspection service, may be appointed by the director of agriculture to make such examinations and tuberculin tests as herein provided, and when so employed they shall act without compensation, and shall possess the same power and authority in this state as ~~((a veterinary~~

~~inspector of the department of agriculture~~) department-authorized veterinarians.

Should the owner or owners of any bovine animals desire to select a duly licensed and accredited veterinarian, approved by the director of agriculture, for making such examination and tests in accordance with the provisions of this act, the owner or owners shall pay all expenses in connection with such examinations and tests.

Sec. 16. Section 12, chapter 165, Laws of 1927 as last amended by section 10, chapter 172, Laws of 1947 and RCW 16.40.060 are each amended to read as follows:

If, on the completion of any examination and test as provided in RCW 16.40.010, the inspector or veterinarian making the examination and test, shall believe that the animal is infected with tuberculosis or (~~Bang's disease~~) brucellosis, the owner of the animal shall have, with the approval of the director of agriculture or his representative, the option of indemnity or quarantine; if the owner selects indemnity he shall market the animal within (~~thirty~~) fifteen days from the date of condemnation. All bovine animals which have shown a suspicious reaction to the test on three successive tests for tuberculosis or (~~Bang's disease~~) brucellosis and are held as suspects may be slaughtered under the provisions of this (~~act~~) chapter at the option of the owner and approval of the director or his representative and the owner shall have a valid claim for indemnity to the same extent and in the same amount as for bovine animals which give a positive reaction to the above test. The animal or animals shall be slaughtered under the supervision of a veterinary inspector of the department of agriculture, or the United States (~~bureau of animal industry~~) department of agriculture, animal and plant health inspection service, or a veterinarian duly licensed to practice veterinary medicine, surgery and dentistry in this state. The veterinary inspector or veterinarian shall hold a post mortem examination and determine whether or not the animal shall be passed to be used for food. The post mortem examination must conform with the meat inspection regulations of the United States (~~bureau of animal industry~~) department of agriculture, animal and plant inspection service. Upon the receipt of the post mortem report and if the owner has complied with all lawful quarantine laws and regulations, the director of agriculture shall cause to be paid to the owner or owners of the animals an amount not exceeding twenty-five dollars for any grade female, or more than fifty dollars for any purebred registered bull or female, and for dairy breeds an amount not to exceed one hundred dollars for any grade female or more than one hundred fifty dollars for any pure bred registered bull or female or such portion thereof as would represent an equitable and agreed amount of the contribution of the state of Washington as determined by the director of agriculture and (~~representatives of the United States bureau of animal industry~~) in no case shall indemnity and salvage value received exceed eighty percent of the true value, and in no

case shall any indemnity be paid for grade bulls, for steers, or spayed females, and the state shall not be required to pay the owner of any animal imported into this state within six months prior to the inspection and tests, the sums hereinabove provided for, but the owner of such animal shall receive the proceeds of the sale of such slaughtered animal: PROVIDED, That the right to indemnity shall not exist nor shall payment be made for any animal owned by the United States, this state, or any county, city, town or township in this state: AND PROVIDED FURTHER, That no bovine animal shall be condemned for tuberculosis without having been first subjected to the tuberculin test and a positive reaction has resulted and no bovine animal shall be condemned for ~~((Bang's disease unless it has been subjected to a blood agglutination test in dilutions of serum to antigen of one to fifty (1:50), one to one hundred (1:100), and one to two hundred (1:200), by an approved laboratory, and a positive reaction for Bang's disease has resulted))~~ brucellosis unless it has been tested and classified as a reactor by the director of agriculture or his duly authorized representative.

Sec. 17. Section 1, chapter 54, Laws of 1959 as amended by section 34, chapter 240, Laws of 1967 and RCW 16.57.010 are each amended to read as follows:

For the purpose of this chapter:

(1) "Department" means the department of agriculture of the state of Washington.

(2) "Director" means the director of the department or his duly appointed representative.

(3) "Person" means a natural person, individual, firm, partnership, corporation, company, society, and association, and every officer, agent or employee thereof. This term shall import either the singular or the plural as the case may be.

(4) "Livestock" includes, but is not limited to, horses, mules, cattle, sheep, swine, goats, poultry and rabbits: PROVIDED, That livestock when used herein under the provisions of RCW 16.57.160 through 16.57.200, 16.57.220 through 16.57.260, and 16.57.280 through 16.57.330 shall mean and include only cattle of whatever species, breed or age.

(5) "Brand" means a permanent fire brand or any artificial mark approved by the director to be used in conjunction with a brand or by itself.

(6) "Production record brand" means a number brand which shall be used for production identification purposes only.

(7) "Brand inspection" means the examination of livestock or livestock hides for brands or any means of identifying livestock or livestock hides and/or the application of any artificial identification such as back tags or ear clips necessary to preserve the identity of the livestock or livestock hides examined.

(8) "Class I estray" means any livestock at large contrary to the provisions of RCW 16.13.010 as now or hereafter amended, or any unclaimed

livestock submitted or impounded by any person at any public livestock market or any other facility approved by the director.

(9) "Class II estray" means any livestock identified as estray that is offered for sale and as provided for in RCW 16.57.290 as now or hereafter amended.

Sec. 18. Section 29, chapter 54, Laws of 1959 as amended by section 6, chapter 120, Laws of 1967 ex. sess. and RCW 16.57.290 are each amended to read as follows:

All unbranded cattle and those bearing brands not recorded, in the current edition of this state's brand book, which are not accompanied by a certificate of permit, and those bearing brands recorded, in the current edition of this state's brand book, which are not accompanied by a certificate of permit signed by the owner of the brand when presented for inspection, are hereby declared to be class II estrays, unless other satisfactory proof of ownership is presented showing the person presenting them to be lawfully in possession. Such estrays shall be sold by the director or his representative who shall give the purchasers a bill of sale therefor.

Sec. 19. Section 6, chapter 121, Laws of 1967 ex. sess. and RCW 69.07.060 are each amended to read as follows:

The director may, subsequent to a hearing thereon, deny, suspend or revoke any license provided for in this chapter if he determines that an applicant has committed any of the following acts:

(1) Refused, neglected or failed to comply with the provisions of this chapter, the rules and regulations adopted hereunder, or any lawful order of the director.

(2) Refused, neglected or failed to keep and maintain records required by this chapter, or to make such records available when requested pursuant to the provisions of this chapter.

(3) Refused the department access to any portion or area of the food processing plant for the purpose of carrying out the provisions of this chapter.

(4) Refused the department access to any records required to be kept under the provisions of this chapter.

(5) Refused, neglected, or failed to comply with any provisions of chapter 69.04 RCW, Washington Food, Drug, and Cosmetic Act, or any regulations adopted thereunder.

Sec. 20. Section 21, chapter 190, Laws of 1939 and RCW 69.16.160 are each amended to read as follows:

In addition to the acts by this chapter made unlawful, it shall be unlawful in connection with the operation of any macaroni factory or the sale or distribution of any macaroni product:

(1) To sell, advertise, describe, brand, mark, label or pack macaroni or any simulation or imitation thereof in a manner which is calculated to mislead or deceive or has the tendency or capacity or effect of misleading or deceiving purchasers, prospective purchasers or the consuming public with respect to the grade, quality, quantity, substance, character, nature, origin, size, material content, composition, color, preparation, or manufacture of such products or in any material respect.

(2) To sell, offer for sale, advertise, describe, brand, label or otherwise represent any macaroni or noodle product as being a semolina or farina product when such is not true and correct.

(3) To use yellow coloring in, or yellow transparent containers for, any macaroni product in such manner as deceptively to import or imply to purchasers, prospective purchasers or the consuming public that such product contains egg in greater proportion than is in fact present, or in such manner as to mislead or deceive in any other respect.

(4) To advertise, describe, brand, label, or otherwise represent any product as containing a food ingredient which is not macaroni, found, or is not present in the advertised quantities, resulting in purchasers, prospective purchasers or the consuming public being misled or deceived.

(5) To use photographs, cuts, engraving, illustrations or pictorial or other adoptions or devices of industry products in catalogs, sales literature or advertisements or on packages or containers or otherwise in such manner as to have the capacity and tendency or effect of misleading or deceiving the purchaser or consuming public as to the grade, quality, quantity, substance, character, nature, origin, size, material content, composition, coloring, preparation or manufacture of such products.

~~(6) ((To defame competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standings, or any other false representations, or falsely to disparage the grade, quality or manufacture of the products of competitors or of their business method, selling price, values, grade, terms, policies or services.~~

~~(7))~~ To fail to brand, mark or identify macaroni products so as to disclose their true character, where such failure has the tendency, capacity or effect of misleading or deceiving purchasers, prospective purchasers or the consuming public.

Sec. 21. Section 15.38.010, chapter 11, Laws of 1961 and RCW 15.38-.010 are each amended to read as follows:

Whenever used in this chapter:

(1) The term "person" includes individuals, firms, partnerships, associations, trusts, estates, corporations, and any and all other business units, devices or arrangements.

(2) The term "filled dairy products" means any milk, cream, or skimmed milk, or any combination thereof, whether or not condensed, evaporated, concentrated, frozen, powdered, dried, or desiccated, or any

food product made or manufactured therefrom, to which has been added, or which has been blended or compounded with, any fat or oil other than milk fat so that the resulting product is in imitation or semblance of any dairy product, including but not limited to, milk, cream, sour cream, skimmed milk, ice cream, whipped cream, flavored milk or skim-milk, dried or powdered milk, (~~cheese, cream cheese, cottage cheese, creamed cottage cheese;~~) ice cream mix, sherbet, condensed milk, evaporated milk, or concentrated milk: PROVIDED, HOWEVER, That this term shall not be construed to mean or include:

(a) Oleomargarine;

(b) Any distinctive proprietary food compound not readily mistaken for a dairy product where such compound is customarily used on the order of a physician and is prepared and designed for medicinal or special dietary use and prominently so labeled;

(c) Any dairy product flavored with chocolate or cocoa where the fats or oils other than milk fat contained in such product do not exceed the amount of cacao fat naturally present in the chocolate or cocoa used; (~~or~~)

(d) Any dairy product in which the vitamin content has been increased and food oil utilized as a carrier of such vitamins provided the quantity of such food oil does not exceed one one-hundredths of one percent of the weight of the finished dairy product;

(e) Any cheese product or cheese; or

(f) Any cream sauce added to processed vegetables.

(3) The term "intrastate commerce" means any and all commerce within the state of Washington subject to the jurisdiction thereof; and includes the operation of any business or service establishment.

NEW SECTION. Sec. 22. There is added to chapter 16.13 RCW a new section to read as follows:

There are established two classes of estray livestock:

(1) Class I—any livestock at large contrary to the provisions of RCW 16.13.010 as now or hereafter amended, or any unclaimed livestock submitted or impounded, by any person, at any public livestock market or any other facility approved by the director; and

(2) Class II—any livestock identified as estray that is offered for sale and as provided for in RCW 16.57.290 as now or hereafter amended.

***NEW SECTION. Sec. 23.** *There is added to chapter 16.36 RCW a new section to read as follows:*

The director of agriculture shall, pursuant to the provisions of chapter 34.04 RCW, adopt rules governing the intrastate movement in animals in order to prevent the spread of, and to suppress, infections, contagious, communicable, and dangerous diseases affecting animals, especially brucellosis. Such rules shall provide for change of ownership testing for eligible animals.

**Sec. 23. was vetoed, see message at end of chapter.*

NEW SECTION. Sec. 24. There is appropriated to the department of agriculture from the general fund, the sum of one hundred sixty-two thousand five hundred dollars, or so much thereof as may be necessary to carry out the purposes of Section 16 of this act.

NEW SECTION. Sec. 25. There is added to chapter 16.57 RCW a new section to read as follows:

Class I estrays shall be disposed of in accordance with the provisions of chapter 16.13 RCW.

NEW SECTION. Sec. 26. The following acts or parts of acts are each repealed:

- (1) Section 13, chapter 165, Laws of 1927 and RCW 16.40.100;
- (2) Section 1, chapter 135, Laws of 1903, section 1, chapter 206, Laws of 1919 and RCW 69.11.010;
- (3) Section 2, chapter 135, Laws of 1903 and RCW 69.11.020;
- (4) Section 3, chapter 135, Laws of 1903 and RCW 69.11.030;
- (5) Section 4, chapter 135, Laws of 1903 and RCW 69.11.040;
- (6) Section 5, chapter 135, Laws of 1903 and RCW 69.11.050;
- (7) Section 6, chapter 135, Laws of 1903 and RCW 69.11.060;
- (8) Section 7, chapter 135, Laws of 1903 and RCW 69.11.070;
- (9) Section 8, chapter 135, Laws of 1903 and RCW 69.11.080;
- (10) Section 9, chapter 135, Laws of 1903 and RCW 69.11.090;
- (11) Section 10, chapter 135, Laws of 1903 and RCW 69.11.100;
- (12) Section 8(a), chapter 137, Laws of 1937, section 1, chapter 169, Laws of 1945 and RCW 69.12.090;
- (13) Section 9, chapter 137, Laws of 1937 and RCW 69.12.100;
- (14) Section 19, chapter 190, Laws of 1939 and RCW 69.16.140;
- (15) Section 20, chapter 190, Laws of 1939 and RCW 69.16.150;
- (16) Section 20, chapter 112, Laws of 1939 and RCW 69.20.130; and
- (17) Section 21, chapter 112, Laws of 1939 and RCW 69.20.140.

Such repeals shall not be construed as affecting any existing right acquired under the statutes repealed, nor as affecting any proceeding instituted thereunder, nor any rule, regulation, or order promulgated thereunder, nor any administrative action taken thereunder.

NEW SECTION. Sec. 27. If any provision of this 1979 act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

Passed the Senate March 8, 1979.

Passed the House March 8, 1979.

Approved by the Governor March 29, 1979, with the exception of Section 23, which is vetoed.

Filed in Office of Secretary of State March 29, 1979.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith without my approval as to one section Substitute Senate Bill No. 2254 entitled:

"AN ACT Relating to agriculture;"

I am aware of the problems concerning the necessary and adequate control of brucellosis. I am also cognizant of the differences of opinion expressed by some members of the legislature trying to determine how best to assure effective control of this disease. Additionally two vital industries are involved, both the dairy and beef cattle interests. This administration recognizes their different and legitimate concerns.

Even so, I have reservations about the need to include Section 23 in this comprehensive omnibus agricultural bill, Substitute Senate Bill No. 2254. The language of this section could be construed to require the Director of Agriculture to establish a mandatory test for infections, contagious, communicable, and dangerous diseases at each change of ownership of all eligible animals in intrastate commerce. This section originated as an amendment in the House of Representatives, and I understand that it was developed in an effort to address the current problem of brucellosis.

There are two points I wish to make here. First, the amendment failed to recognize the ongoing brucellosis control program of the Department, and the importance of vaccination as the cornerstone of that program. Second, Section 23 could be construed as eliminating departmental discretion and causing the perpetuation of an expensive and difficult program of full testing for brucellosis and other diseases whether necessary or not and beyond the time when the current brucellosis outbreak is brought under control.

I believe that powers conferred upon the Director of the Department of Agriculture as set forth in RCW 16.36.040, RCW 16.40.010 and RCW 16.65.340, properly exercised and with sufficient resources of personnel and funding are adequate to assure that the state will be free of this serious disease.

With the exception of Section 23, which I have vetoed, the remainder of Substitute Senate Bill No. 2254 is approved."

CHAPTER 155

[Engrossed Substitute Senate Bill No. 2768]

JUVENILE JUSTICE, CARE, CUSTODY, TREATMENT

AN ACT Relating to juveniles; amending section 9A.76.010, chapter 260, Laws of 1975 1st ex. sess. as amended by section 53, chapter 291, Laws of 1977 ex. sess. and RCW 9A.76.010; amending section 2, chapter 291, Laws of 1977 ex. sess. and RCW 13.04.011; amending section 3, chapter 291, Laws of 1977 ex. sess. and RCW 13.04.021; amending section 2, chapter 160, Laws of 1913 as last amended by section 4, chapter 291, Laws of 1977 ex. sess. and RCW 13.04.030; amending section 5, chapter 291, Laws of 1977 ex. sess. and RCW 13.04.033; amending section 6, chapter 291, Laws of 1977 ex. sess. and RCW 13.04.035; amending section 3, chapter 160, Laws of 1913 as last amended by section 8, chapter 291, Laws of 1977 ex. sess. and RCW 13.04.040; amending section 2, chapter 132, Laws of 1945 and RCW 13.04.130; amending section 14, chapter 291, Laws of 1977 ex. sess. and RCW 13.04.278; amending section 31, chapter 291, Laws of 1977 ex. sess. and RCW 13.34.030; amending section 33, chapter 291, Laws of 1977 ex. sess. and RCW 13.34.050; amending section 34, chapter 291, Laws of 1977 ex. sess. and RCW 13.34.060; amending section 6, chapter 160, Laws of 1913 as amended by section 35, chapter 291, Laws of 1977 ex. sess. and RCW 13.34.070; amending section 7, chapter 160, Laws of 1913 as last amended by section 36, chapter 291, Laws of 1977 ex. sess. and RCW 13.34.080; amending section 37, chapter 291, Laws of 1977 ex. sess. and RCW 13.34.090; amending section 38, chapter 291, Laws of 1977 ex. sess. and RCW 13.34.100; amending section 5, chapter 302, Laws of 1961 as amended by section 39, chapter 291, Laws of 1977 ex. sess. and RCW 13.34.110; amending section 40, chapter 291, Laws of