

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:

SECTION 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15.32.040 and 15.32.050, chapter 11, Laws of 1961 and RCW 15.32.020, 15.32.030, 15.32.040 and 15.32.050 are each repealed. Repeal.

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

The director may, by rule, establish and/or amend definitions and standards for dairy products. Such definitions and standards established by the Dairies, dairy products. Definitions, standards.

Proviso. 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.

RCW 15.32.100 amended.

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

Dairies, dairy products. Licenses of milk vendors, dealers—Fee—Contents—Revocation.

Every person who sells, offers or exposes for sale, barter, 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 provision 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. Repeal.

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

“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 provisions of this chapter: *Provided*, That nothing contained in this definition shall be construed as disbarring any other process which has been demonstrated to be equally efficient and which is approved by the director. Parteurization, pasteurize, what constitutes.

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

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 Dairy technician's license, who needs—Examination of qualifications.

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.

RCW 15.32.582 amended.

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

Dairy technician's license. Application—Temporary permit.

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.

RCW 15.32.584 amended.

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

Application fee —Renewal, fee —Revocation of license—Hearings.

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:

RCW 15.32.590 amended.

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.

Licensed technicians to take samples, etc.—Records.

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

RCW 15.32.600 amended.

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.

Technician's personal responsibility.

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

RCW 15.32.610 amended.

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.

Employment of unlicensed tester unlawful—Penalty.

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.

RCW 15.32.630 amended.

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

Dairies, dairy products. Methods and standards for grading, testing, rules for.

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.

Proviso.

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.

Repeal

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.

New section.

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

Injunctive process available.

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.

AN ACT relating to public service companies; amending section 80.04.010, chapter 14, Laws of 1961 and RCW 80.04.010; amending section 81.04.235, chapter 14, Laws of 1961 and RCW 81.04.235; amending section 81.12.010, chapter 14, Laws of 1961 and RCW 81.12.010; amending section 81.80-.270, chapter 14, Laws of 1961 and RCW 81.80.270; amending section 81.80.040, chapter 14, Laws of 1961 and RCW 81.80.040; amending section 81.80.318, chapter 14, Laws of 1961 and RCW 81.80.318; amending section 81.24.010, chapter 14, Laws of 1961 and RCW 81.24.010; amending section 9, chapter 295, Laws of 1961, and RCW 81.77.080; adding a new section to chapter 14, Laws of 1961 and to chapter 80.04 RCW; adding a new section to chapter 14, Laws of 1961 and to chapter 81.04 RCW; adding two new sections to chapter 14, Laws of 1961 and to chapter 81.80 RCW; repealing section 81.80.350, chapter 14, Laws of 1961 and RCW 81.80.350; repealing section 1, chapter 177, Laws of 1961 and RCW 81.40.096; repealing section 2, chapter 177, Laws of 1961 and RCW 81.40.097; and providing an effective date.

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:

RCW 80.04.010
amended.

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

Public service
companies.
Definitions.

“Commission” means the utilities and transportation commission.