

CHAPTER 164

[Substitute House Bill No. 783]

MILK POOLING

AN ACT Relating to milk pooling; and amending RCW 15.35.240.

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

Sec. 1. Section 24, chapter 230, Laws of 1971 ex. sess. and RCW 15.35.240 are each amended to read as follows:

The director may deny, suspend, or revoke a license upon due notice and an opportunity for a hearing as provided in chapter 34.04 RCW, concerning contested cases, as enacted or hereafter amended, or rules adopted thereunder by the director, when he is satisfied by a preponderance of the evidence of the existence of any of the following facts:

(1) A milk dealer has failed to account and make payments without reasonable cause, for milk purchased from a producer subject to the provisions of this chapter or rules adopted hereunder;

(2) A milk dealer has committed any act injurious to the public health or welfare or to trade and commerce in milk;

(3) A milk dealer has continued in a course of dealing of such nature as to satisfy the director of his inability or unwillingness to properly conduct the business of handling or selling milk, or to satisfy the director of his intent to deceive or defraud producers subject to the provisions of this chapter or rules adopted hereunder;

(4) A milk dealer has rejected without reasonable cause any milk purchased or has rejected without reasonable cause or reasonable advance notice milk delivered in ordinary continuance of a previous course of dealing, except where the contract has been lawfully terminated;

(5) Where the milk dealer is insolvent or has made a general assignment for the benefit of creditors or has been adjudged bankrupt or where a money judgment has been secured against him upon which an execution has been returned wholly or partially satisfied;

(6) Where the milk dealer has been a party to a combination to fix prices, contrary to law; a cooperative association organized under chapter 24.32 RCW and making collective sales and marketing milk pursuant to the provisions of such chapter, directly or through a marketing agent, shall not be deemed or construed to be a conspiracy or combination in restraint of trade or an illegal monopoly;

(7) Where there has been a failure either to keep records or to furnish statements or information required by the director;

(8) Where it is shown that any material statement upon which the license was issued is or was false or misleading or deceitful in any particular;

(9) Where the applicant is a partnership or a corporation and any individual holding any position or interest or power of control therein has previously been responsible in whole or in part for any act for which a license may be denied, suspended, or revoked, pursuant to the provisions of this chapter or rules adopted hereunder;

(10) Where the milk dealer has violated any provisions of this chapter or rules adopted hereunder;

(11) Where the milk dealer has ceased to operate the milk business for which the license was issued.

Passed the House March 9, 1987.

Passed the Senate April 14, 1987.

Approved by the Governor April 23, 1987.

Filed in Office of Secretary of State April 23, 1987.

CHAPTER 165

[Substitute House Bill No. 732]

AUDIT SERVICES REVOLVING FUND—REVISIONS

AN ACT Relating to the audit services revolving fund; amending RCW 43.09.412 and 43.09.416; and repealing RCW 43.09.320.

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

Sec. 1. Section 2, chapter 336, Laws of 1981 and RCW 43.09.412 are each amended to read as follows:

The amounts to be disbursed from the auditing services revolving fund (~~((from time to time))~~) shall be transferred thereto by the state treasurer from funds appropriated to any and all state departments for auditing services or administrative expenses on a ~~((quarterly))~~ monthly basis. State departments operating in whole or in part from nonappropriated funds shall pay into the auditing services revolving fund such funds as will fully reimburse funds appropriated to the state auditor for any auditing services provided activities financed by nonappropriated funds.

The director of financial management shall allot all such funds to the state auditor for the operation of his office, pursuant to appropriation, in the same manner as appropriated funds are allocated to other state departments headed by elected officers under chapter 43.88 RCW.

Sec. 2. Section 4, chapter 336, Laws of 1981 and RCW 43.09.416 are each amended to read as follows:

The state auditor shall keep such records as are necessary to facilitate proper allocation of costs to funds and state departments served and the director of financial management shall prescribe appropriate accounting procedures to accurately allocate costs to funds and state departments served. ~~((Billings shall be adjusted in line with actual costs incurred at intervals not~~