

CHAPTER 240.

[Senate Bill No. 320.]

AGRICULTURE.

AN ACT relating to agriculture; and amending sections 43.23.010 through 43.23.110, chapter 8, Laws of 1965 and RCW 43.23.010 through 43.23.110; repealing and reenacting sections 43.23.150 and 43.23.160, chapter 8, Laws of 1965 and RCW 43.23.150 and 43.23.160; adding new sections to chapter 8, Laws of 1965 and chapter 43.23 RCW; amending sections 1, 2, 3 and 20, chapter 221, Laws of 1961 and RCW 15.13.010, 15.13.020, 15.13.030 and 15.13.200; adding new sections to chapter 221, Laws of 1961 and to chapter 15.13 RCW; amending section 15.24.010, chapter 11, Laws of 1961 as amended by section 1, chapter 145, Laws of 1963, and RCW 15.24.010; amending section 15.24.020, chapter 11, Laws of 1961 as amended by section 2, chapter 145, Laws of 1963, and RCW 15.24.020; amending section 15.24.030, chapter 11, Laws of 1961 as amended by section 3, chapter 145, Laws of 1963, and RCW 15.24.030; amending section 15.24.040, chapter 11, Laws of 1961 as amended by section 4, chapter 145, Laws of 1963, and RCW 15.24.040; amending section 15.24.090, chapter 11, Laws of 1961 as amended by section 6, chapter 145, Laws of 1963, and RCW 15.24.090; amending section 15.24.100, chapter 11, Laws of 1961 as amended by section 7, chapter 145, Laws of 1963, and RCW 15.24.100; amending sections 15.24.050 and 15.24.110, chapter 11, Laws of 1961 and RCW 15.24.050 and 15.24.110; amending section 6, chapter 44, Laws of 1965 extraordinary session and RCW 15.44.033; amending section 15.50.020, chapter 11, Laws of 1961 and RCW 15.50.020; amending sections 6 and 10, chapter 31, Laws of 1965 extraordinary session and RCW 15.53.9018 and 15.53.9026; amending sections 1, 22 and 29, chapter 54, Laws of 1959 and RCW 16.57.010, 16.57.220, and 16.57.290; and adding new sections to chapter 54, Laws of 1959 and to chapter 16.57 RCW; amending section 4, chapter 117, Laws of 1943 and RCW 19.32.050; amending section 1, chapter 139, Laws of 1959 as amended by section 1, chapter 232, Laws of 1963 and RCW 20.01.010; amending section 3, chapter 139, Laws of 1959 and RCW 20.01.030; adding new sections to chapter 139, Laws of 1959 and to chapter 20.01 RCW; amending section 1, chapter 124, Laws of 1963 and RCW 22.09.010; amending section 5, chapter 137, Laws of 1937 and RCW 69.12.050; amending section 9, chapter 190, Laws of 1939 and RCW 69.16.050; amending section 10, chapter 112, Laws of 1939 and RCW 69.20.040; and amending sections 10 and 14, chapter 193, Laws of

1955 and RCW 69.24.220 and 69.24.260; and making effective dates.

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

Section 1. Section 43.23.010, chapter 8, Laws of 1965 and RCW 43.23.010 are each amended to read as follows:

RCW 43.23.010 amended.

The department of agriculture shall be organized into six divisions, to be known as, (1) the division of agricultural development, (2) the division of plant industry, (3) the division of animal industry, (4) the division of dairy and food, (5) the division of grain and agricultural chemicals, and (6) the division of regulatory services.

Department of agriculture—
Divisions.

The director of agriculture shall have charge and general supervision of the department and may assign the supervision and administration duties not specified herein to the division which in his judgment can most efficiently carry on those functions.

Sec. 2. Section 43.23.020, chapter 8, Laws of 1965 and RCW 43.23.020 are each amended to read as follows:

RCW 43.23.020 amended.

The director of agriculture shall appoint and deputize an assistant director to be known as the supervisor of agricultural development, who shall have charge and supervision of the division of agricultural development.

Supervisor of agricultural development.

With the approval of the director, he may appoint and employ such inspectors and clerical and other assistants, as may be necessary to carry on the work of the division.

Sec. 3. Section 43.23.030, chapter 8, Laws of 1965 and RCW 43.23.030 are each amended to read as follows:

RCW 43.23.030 amended.

The director of agriculture, through the division of agricultural development, shall exercise all the powers and perform all the duties relating to the

Powers and duties.

Department of agriculture.

development of markets, state and federal cooperative marketing programs, land utilization for agricultural purposes, water resources, transportation, and farm labor as such matters relate to the production, distribution and sale of agricultural commodities.

RCW 43.23.040 amended.

Sec. 4. Section 43.23.040, chapter 8, Laws of 1965 and RCW 43.23.040 are each amended to read as follows:

Supervisor of plant industry.

The director of agriculture shall appoint and depute an assistant director, to be known as the supervisor of plant industry, who shall have charge and supervision of the division of plant industry.

With the approval of the director, he may appoint and depute such inspectors and employ such clerical and other assistants, as may be necessary to carry on the work of the division.

RCW 43.23.050 amended.

Sec. 5. Section 43.23.050, chapter 8, Laws of 1965 and RCW 43.23.050 are each amended to read as follows:

Powers and duties.

The director of agriculture, through the division of plant industry, shall:

(1) Exercise all the powers and perform all the duties prescribed by law relating to horticulture, and horticultural plants and products;

(2) Enforce and supervise the administration of all laws relating to horticulture, horticultural products, and horticultural interests.

RCW 43.23.060 amended.

Sec. 6. Section 43.23.060, chapter 8, Laws of 1965 and RCW 43.23.060 are each amended to read as follows:

Supervisor of animal industry.

The director of agriculture shall appoint and depute an assistant director, to be known as the supervisor of animal industry, who shall have charge and supervision of the division of animal industry. Such supervisor of animal industry shall be an experienced veterinarian.

With the approval of the director, he may appoint and deputize such veterinarians, testers, and inspectors, and employ such clerical and other assistants, as may be necessary to carry on the work of the division.

Sec. 7. Section 43.23.070, chapter 8, Laws of 1965 and RCW 43.23.070 are each amended to read as follows:

RCW 43.23.070 amended.

The director of agriculture, through the division of animal industry, shall exercise all the powers and perform all duties prescribed by law relating to diseases among domestic animals and the quarantine and destruction of diseased animals.

Powers and duties.

He shall enforce and supervise the administration of all laws relating to meat inspection, the prevention, detection, control and eradication of diseases of domestic animals, and all other matters relative to the diseases of livestock and their effect upon the public health.

Sec. 8. Section 43.23.080, chapter 8, Laws of 1965 and RCW 43.23.080 are each amended to read as follows:

RCW 43.23.080 amended.

The director of agriculture shall appoint and deputize an assistant director, to be known as the supervisor of dairy and food, who shall have charge and supervision of the division of dairy and food.

Supervisor of dairy and food
—Appointment, etc.

With the approval of the director, he may appoint and deputize such inspectors, and employ such clerical and other assistants, as may be necessary to carry on the work of the division.

Sec. 9. Section 43.23.090, chapter 8, Laws of 1965 and RCW 43.23.090 are each amended to read as follows:

RCW 43.23.090 amended.

The director of agriculture, through the division of dairy and food, shall exercise all powers and perform all duties prescribed by law with respect to the inspection of foods, food products, drinks, milk and

Powers and duties.

Department of agriculture.

milk products, and dairies and dairy products and the components thereof.

He shall enforce and supervise the administration of all laws relating to foods, food products, drinks, milk and milk products, dairies and dairy products, and their inspection, manufacture, and sale.

RCW 43.23.100 amended.

Sec. 10. Section 43.23.100, chapter 8, Laws of 1965 and RCW 43.23.100 are each amended to read as follows:

Supervisor of grain and agricultural chemicals.

The director of agriculture shall appoint and depute an assistant director, to be known as the supervisor of grain and agricultural chemicals, who shall have charge and supervision of the division of grain and agricultural chemicals.

With the approval of the director, he may appoint and depute such inspectors, and employ such clerical and other assistants, as may be necessary to carry on the work of the division.

RCW 43.23.110 amended.

Sec. 11. Section 43.23.110, chapter 8, Laws of 1965 and RCW 43.23.110 are each amended to read as follows:

Powers and duties.

The director of agriculture, through the division of grain and agricultural chemicals, shall exercise all powers and perform all duties prescribed by law with respect to grains, grain and hay products, grain and terminal warehouses in relation thereto, commercial feeds, commercial fertilizers, and chemical pesticides.

He shall enforce and supervise the administration of all laws relating to grains, grain and hay products, grain and terminal warehouses in relation thereto, commercial feeds, commercial fertilizers, and chemical pesticides.

RCW 43.23.150 repealed and reenacted.

Sec. 12. Section 43.23.150, chapter 8, Laws of 1965 and RCW 43.23.150 are each repealed and reenacted to read as follows:

The director of agriculture shall appoint and deputize an assistant director, to be known as the supervisor of regulatory services, who shall have charge and supervision of the division of regulatory services.

Supervisor of regulatory services.

The director, subject to the provisions of chapter 41.06 RCW, may appoint and deputize such assistants, officers, inspectors and other employees as may be necessary to carry on the work of the division, and all such officers so appointed shall have the authority generally vested in a peace officer.

Sec. 13. Section 43.23.160, chapter 8, Laws of 1965 and RCW 43.23.160 are each repealed and reenacted to read as follows:

RCW 43.23.160 repealed and reenacted.

The director of agriculture, through the division of regulatory services shall exercise all the powers and perform all the duties prescribed by law relating to commission merchants, livestock identification, livestock brand registration and inspection.

Powers and duties.

He shall enforce and supervise the administration of all laws relating to commission merchants, livestock identification and shall have the power to enforce all laws relating to any division under the supervision of the director of agriculture.

Sec. 14. There is added to chapter 8, Laws of 1965 and to chapter 43.23 RCW a new section to read as follows:

New section.

The director of agriculture may appoint an assistant director to act as deputy director who shall assist the director in the administration of the affairs of the department and who shall have charge and general supervision of the department in the absence or disability of the director.

Assistant director of agriculture.

Sec. 15. There is added to chapter 8, Laws of 1965 and to chapter 43.23 RCW a new section to read as follows:

New section.

The director may, at his discretion, reassign any

Department of
agriculture.
Director's
power to reas-
sign divisions
—Additional
divisions.

of the functions delegated to the various divisions of the department under the provisions of this chapter or any other law to any other division of the department. The director of agriculture may, if it will best serve the said public interest as herein described, establish when necessary additional divisions by adopting the necessary regulations in the manner provided for under chapter 34.04 RCW as enacted or hereafter amended. Such additional divisions shall have the same authority and powers as those divisions specifically named and established under the provisions of this chapter. The director may assign one or more of the various functions assigned to those divisions specifically named under the provisions of this chapter to said divisions established by regulation, or any other duties hereafter delegated to the department by law.

RCW 15.13.010
amended.

Sec. 16. Section 1, chapter 221, Laws of 1961 and RCW 15.13.010 are each amended to read as follows:

For the purpose of this chapter:

Horticultural
plants and fa-
cilities—In-
spection and
licensing—
Definitions.

(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.

(4) "Horticultural plant" includes, but is not limited to, any horticultural, floricultural, viticultural, and olericultural plant, for planting, propagation or ornamentation growing or otherwise, and any part of such horticultural plant used for reproduction or propagation purposes.

(5) "Horticultural facilities" means, but is not limited to, the premises where horticultural plants are grown, stored, handled or delivered for sale or transportation, and all vehicles and equipment,

whether aerial or surface, used to transport such horticultural plants.

(6) "Plant pests" means, but is not limited to, any living stage of any insects, mites, nematodes, slugs, snails, protozoa, or other invertebrate animals, bacteria, fungi, other parasitic plants or reproductive parts thereof, viruses or any organisms similar to or allied with any of the foregoing, or any infectious substance, which can directly or indirectly injure or cause disease or damage in any plant or parts thereof, or any processed, manufactured, or other products of plants.

(7) "Inspection and/or certification" means, but is not limited to, the inspection of any horticultural plants at any time prior to, during, or subsequent to harvest, by the director, and the issuance by him of a written certificate stating the grades, classifications, and if such horticultural plants are free of plant pests and in compliance with all the provisions of this chapter and rules adopted hereunder.

(8) "Nurseryman" means any person who sells only horticultural plants which he has grown: *Provided*, That such person shall not be classified as a "nurseryman" if he sells less than one hundred dollars worth of horticultural plants he has grown during the license period he is licensed for, and as such may at the end of such license period apply for a refund of the license fee he paid for such license period. Such refund shall be made on forms supplied by the director and shall be attested to before a notary public by the applicant.

(9) "Nurseryman dealer" means any person, who in addition to the horticultural plants which he has grown purchases horticultural plants for the purpose of resale.

(10) "Nursery stock dealer" includes any person who does not grow horticultural plants, but who purchases, receives or handles horticultural plants,

Department of agriculture.

(a) for the purpose of sale, (b) for planting for another person, or to use as an inducement for the sale of another product.

(11) "Agent" means a representative of any person licensed under this chapter who takes orders for horticultural plants, to be delivered at a later date, away from the location where such licensee is licensed to operate.

RCW 15.13.020 amended.

Sec. 17. Section 2, chapter 221, Laws of 1961 and RCW 15.13.020 are each amended to read as follows:

The director shall enforce the provisions of this chapter and he may adopt any rule necessary to carry out its purpose and provisions including but not limited to the following:

(1) The director may adopt rules establishing grades and/or classifications for any horticultural plant and standards for such grades and/or classifications.

(2) The director may adopt rules for the inspection and/or certification of any horticultural plant as to variety, quality, size and freedom from plant pests.

(3) The director shall adopt rules establishing fees for inspection of horticultural plants and methods of collection thereof.

(4) The director shall when adopting rules or regulations under the provisions of this chapter, hold a public hearing and satisfy all the requirements of chapter 34.04 RCW (Administrative Procedure Act) as enacted or hereafter amended, concerning the adoption of rules and regulations.

RCW 15.13.030 amended.

Sec. 18. Section 3, chapter 221, Laws of 1961 and RCW 15.13.030 are each amended to read as follows:

Horticultural plants and facilities—Enforcement—Rules and regulations.

On and after July 1, 1961 no person shall act as a nurseryman, nurseryman dealer, or nursery stock dealer, without a license for each place of business, or as an agent without a license. Any person applying for such a license shall file an application

with the director on or before July 1st of each year. Such application shall be accompanied by the following license fee:

- (1) Nurseryman, fifteen dollars,
- (2) Nurseryman dealer, twenty dollars,
- (3) Nursery stock dealer, fifteen dollars,
- (4) Agent, fifteen dollars.

Any license provided for in this section shall expire on June 30th following issuance unless it has been revoked or suspended prior thereto by the director for cause.

Licenses—Fees
—Expiration.

Sec. 19. Section 20, chapter 221, Laws of 1961 and RCW 15.13.200 are each amended to read as follows:

RCW 15.13.200
amended.

All fees collected under the provisions of this chapter shall be paid to the state treasurer to be deposited in the nursery inspection account in the state general fund as provided in RCW 43.79.330 to be used only for the enforcement of this chapter. All moneys collected under the provisions of chapter 15.12 and remaining in such nursery inspection account on July 1, 1961 shall be used for the enforcement of this chapter. All moneys in such nursery inspection account shall be subject to the provisions of RCW 43.79.334.

Fees—Nursery
inspection ac-
count—Use.

Sec. 20. There is added to chapter 221, Laws of 1961 and to chapter 15.13 RCW a new section to read as follows:

New section.

If any application for renewal of nursery, nurseryman dealer, nursery stock dealer or agents license is not filed prior to July 1st in any year, an additional charge of fifty percent shall be assessed and added to the original fee and shall be paid by the applicant before the renewal license shall be issued: *Provided*, That such additional assessment shall not apply if the applicant furnishes an affidavit certifying that he has not acted as a nurseryman,

Late filing for
renewal—
Additional
charges.

Department of agriculture.

nurseryman dealer, nursery stock dealer or agent subsequent to the expiration of his prior license.

New section.

Sec. 21. There is added to chapter 221, Laws of 1961 and to chapter 15.13 RCW a new section to read as follows:

Horticultural plants and facilities—Inspection and certification fees.

The director shall prescribe, in addition to those costs provided for in RCW 15.13.090, any other necessary fees to be charged the owner or his agent for the inspection and certification of any horticultural plant subject to the provisions of this chapter, or rules adopted hereunder, and for the inspection and certification when such inspection and certification is performed at the request of any person financially interested in any horticultural plants which are, or are not subject to the provisions of this chapter or rules adopted hereunder, produced in or imported into this state. The inspection fees provided for in this chapter shall become due and payable by the end of the next business day and if such are not paid within the prescribed time, the director may withdraw inspection or refuse to perform any inspection or certification service for the person in arrears: *Provided*, That in such instances the director may demand and collect inspection and certification fees prior to inspecting and certifying any horticultural plants for such person.

RCW 15.24.010 amended.

Sec. 22. Section 15.24.010, chapter 11, Laws of 1961 as amended by section 1, chapter 145, Laws of 1963 and RCW 15.24.010 are each amended to read as follows:

Apple advertising commission—Definitions.

As used in this chapter:

(1) "Commission" means the Washington state apple advertising commission;

(2) "Ship" means to load apples into a conveyance for transport, except apples being moved from the orchard where grown to a packing house or warehouse within the immediate area of production;

(3) "Handler" means any person who ships or initiates a shipping operation, whether for himself or for another;

(4) "Dealer" means any person who handles, ships, buys, or sells apples, or who acts as sales or purchasing agent, broker, or factor of apples;

(5) "Processor" and "processing plant" means every person to whom and every place to which apples are delivered for drying, dehydrating, canning, pressing, powdering, extracting, cooking, or for use in producing a product or manufacturing a manufactured article;

(6) "Processing apples" means all apples delivered to a processing plant for drying, dehydrating, canning, pressing, powdering, extracting, cooking, or for use in producing a product or manufacturing a manufactured article;

(7) "Fresh apples" means all apples other than processing apples;

(8) "Director" means the director of the department of agriculture or his duly authorized representative;

(9) "District No. 1" includes the counties of Chelan, Okanogan, and Douglas;

(10) "District No. 2" includes the counties of Kittitas, Yakima, Benton, and Franklin;

(11) "District No. 3" includes all counties in the state not included in the first and second districts; and

(12) "Executive officer" includes, but is not limited to, the principal management executive, sales manager, general manager, or other executive employee of similar responsibility and authority.

Sec. 23. Section 15.24.020, chapter 11, Laws of 1961 as amended by section 2, chapter 145, Laws of 1963 and RCW 15.24.020 are each amended to read as follows:

RCW 15.24.020
amended.

There is hereby created a Washington state apple

Department of
agriculture—
Apple adver-
tising commis-
sion—Mem-
bers.

advertising commission to be thus known and designated. The commission shall be composed of nine practical apple producers and four practical apple dealers. The director shall be an ex officio member of the commission without vote.

The nine producer members shall be citizens and residents of this state, over the age of twenty-five years, each of whom, either individually or as an executive officer of a corporation, firm or partnership, is and has been actually engaged in growing and producing apples within the state of Washington for a period of five years, and has during that period derived a substantial portion of his income therefrom: *Provided*, That he may own and operate an apple warehouse and pack and store apples grown by others, without being disqualified, so long as a substantial quantity of the apples handled in such warehouse are grown by him; and he may sell apples grown by himself and others so long as he does not sell a larger quantity of apples grown by others than those grown by himself. The four dealer members shall be persons who, either individually or as executive officers of a corporation, firm, partnership, association, or cooperative organization, are and have been actively engaged as dealers in apples within the state of Washington for a period of five years, and are citizens and residents of this state. The qualifications of members of the commission as herein set forth must continue during their term of office.

RCW 15.24.030
amended.

Sec. 24. Section 15.24.030, chapter 11, Laws of 1961 as amended by section 3, chapter 145, Laws of 1963, and RCW 15.24.030 are each amended to read as follows:

Thirteen persons with the qualifications stated in RCW 15.24.020 as amended in section 23 of this 1967 amendatory act shall be elected members of said commission. Four of the grower members, being po-

sitions one, two, three and four, shall be from district No. 1, at least one of whom shall be a resident of and engaged in growing and producing apples in Okanogan county; four of the grower members, being positions five, six, seven and eight, from district No. 2; and one grower member, being position nine from district No. 3. Two of the dealer members, being positions ten and eleven, shall be from district No. 1; and two of the dealer members, being positions twelve and thirteen, shall be from district No. 2.

Election of
members—
Terms—Dis-
trict subdivi-
sions—Meet-
ings.

The commission shall have authority in its discretion to establish by regulation one or more subdivisions of district No. 1 and one or more subdivisions of district No. 2; provided that each of the same includes a substantial apple producing district or districts, and provided the same does not result in an unfair or unequitable voting situation or an unfair or unequitable representation of apple growers on said commission. In such event each of said subdivisions shall be entitled to be represented by one of the said grower members of the commission, who shall be elected by vote of the qualified apple growers in said subdivision of said district, and who shall be a resident of and engaged in growing and producing apples in said subdivision.

The regular term of office of the members of the commission shall be three years from March 1 following their election and until their successors are elected and qualified. The commission shall hold its annual meeting during the month of March each year for the purpose of electing officers and the transaction of other business and shall hold such other meetings during the year as it shall determine.

Sec. 25. Section 15.24.040, chapter 11, Laws of 1961 as amended by section 4, chapter 145, Laws of 1963, and RCW 15.24.040 are each amended to read as follows:

RCW 15.24.040
amended.

Department of
agriculture—
Apple adver-
tising commis-
sion—Members
—Nominations
—Method of
election.

The director shall call a meeting of apple growers in each of the three districts and meetings of apple dealers in district No. 1 and district No. 2 for the purpose of nominating their respective members of the commission, when a term is about to expire, or when a vacancy exists, except as provided in RCW 15.24.050, as amended, at times and places to be fixed by the commission. Said meetings shall be held not later than February 15th of each year and insofar as practicable, the said meetings of the growers shall be held at the same time and place as the annual state and district meetings of the Washington state horticultural association and its affiliated clubs, but not while the same are in actual session. Public notice of such meetings shall be given by the commission in such manner as it may determine: *Provided*, That nonreceipt of the notice by any interested person shall not invalidate the proceedings. Any qualified person may be nominated orally for such positions at the said respective meetings. Nominations may also be made within five days after any such meeting by written petition filed in the Wenatchee office of the commission, signed by not less than five apple growers or dealers, as the case may be, residing within the district or within the subdivision if the nomination is made from a subdivision.

The members of the commission shall be elected by secret mail ballot under the supervision of the director: *Provided*, That in any case where there is but one nomination for a position, a secret mail ballot shall not be conducted or required and the director shall certify the candidate to be elected. Grower members of the commission shall be elected by a majority of the votes cast by the apple growers in the respective districts or subdivisions thereof, as the case may be, each grower who operates a commercial producing apple orchard, whether an indi-

vidual proprietor, partnership, joint venture, or corporation, being entitled to one vote. As to bona fide leased or rented orchards, only the lessee-operator, if otherwise qualified, shall be entitled to vote. An individual commercial orchard operator, if otherwise qualified, shall be entitled to vote as such, even though he is also a member of a partnership or corporation which votes for other apple acreage. Dealer members of the commission shall be elected by a majority of the votes cast by the apple dealers in the respective districts, each dealer being entitled to one vote. If a nominee does not receive a majority of the votes on the first ballot, a run-off election shall be held by mail in a similar manner between the two candidates for such position receiving the largest number of votes.

Sec. 26. Section 15.24.050, chapter 11, Laws of 1961 and RCW 15.24.050 are each amended to read as follows:

RCW 15.24.050
amended.

In the event a position becomes vacant due to resignation, disqualification, death, or for any other reason, such position until the next annual meeting shall be filled by vote of the remaining members of the commission. At such annual meeting a commissioner shall be elected to fill the balance of the unexpired term.

Vacancies—
Quorum—
Compensation.

A majority of the voting members shall constitute a quorum for the transaction of all business and the carrying out of the duties of said commission.

No member of the commission shall receive any salary or other compensation, but each member shall receive a sum to be determined by the commission but not more than twenty dollars per day for each day spent in actual attendance on or traveling to and from meetings of the commission, or on special assignment for the commission, together with actual expenses incurred in carrying out the provisions of this chapter.

RCW 15.24.090
amended.

Sec. 27. Section 15.24.090, chapter 11, Laws of 1961 as amended by section 6, chapter 145, Laws of 1963, and RCW 15.24.090 are each amended to read as follows:

Agriculture—
Apple adver-
tising commis-
sion—Report
to director—
Increased as-
sessments.

If it appears from investigation by the commission that the revenue from the assessment levied on fresh apples hereunder is inadequate to accomplish the purposes of this chapter the commission shall adopt a resolution setting forth the necessities of the industry, extent and probable cost of the required research, market promotion and advertising, extent of public convenience, interest and necessity, and probable revenue from the assessment levied. It shall thereupon increase the assessment to such sum as shall be determined by the commission to be necessary for such purposes based upon a rate per one hundred pounds of apples, gross billing weight, shipped in bulk, container or any style of package; but no increase shall be made prior to adoption of said resolution. An increase shall become effective sixty days after such resolution is adopted: *Provided*, That no increase in such assessment shall become effective unless the same shall be first referred by the commission to a referendum mail ballot by the apple growers of this state conducted under the supervision of the director and be approved by a majority of such growers voting thereon and also be approved by voting growers who operate more than fifty percent of the acreage voted in the same election: *Provided, further*, That after such mail ballot, if the same be favorable to such increase, the commission shall nevertheless exercise its independent judgment and discretion as to whether or not to approve such increase: *And provided further*, That in any event such increase shall not amount to more than two cents per one hundred pounds of apples, gross billing weight, in any one year.

Sec. 28. Section 15.24.100, chapter 11, Laws of 1961 as amended by section 7, chapter 145, Laws of 1963, and RCW 15.24.100 are each amended to read as follows:

RCW 15.24.100 amended.

There is hereby levied upon all fresh apples grown annually in this state, and all apples packed as Washington apples, an assessment of twelve cents on each one hundred pounds gross billing weight, plus such annual increases thereof as are imposed pursuant to the provisions of RCW 15.24.090. All moneys collected hereunder shall be expended to effectuate the purpose and objects of this chapter.

Assessments.

Sec. 29. Section 15.24.110, chapter 11, Laws of 1961 and RCW 15.24.110 are each amended to read as follows:

RCW 15.24.110 amended.

The assessments on fresh apples shall be paid, or provision made therefor satisfactory to the commission, prior to shipment, and no fresh apples shall be carried, transported, or shipped by any person or by any carrier, railroad, truck, boat, or other conveyance until the assessment has been paid or provision made therefor satisfactory to the commission.

Collection of assessments.

The commission shall by rule or regulation prescribe the method of collection, and for that purpose may require stamps to be known as "apple advertising stamps" to be purchased from the commission and attached to the containers, invoices, shipping documents, inspection certificates, releases, or receiving receipts or tickets.

Sec. 30. Section 6, chapter 44, Laws of 1965 extraordinary session and RCW 15.44.033 are each amended to read as follows:

RCW 15.44.033 amended.

Producer members of the commission shall be nominated and elected by producers within the district that such producer members represent in the year in which a commission member's term shall expire. Such producer members receiving the larg-

Agriculture—
Dairy products
commission—
Nomination
and election
procedure.

est number of the votes cast in the respective districts which they represent shall be elected. The election shall be by secret mail ballot and under the supervision of the director.

Nomination for candidates to be elected to the commission shall be conducted by mail by the director. Such nomination forms shall be mailed by the director to each producer in a district where a vacancy is about to occur. Such mailing shall be made on or after April 1st, but not later than April 10th of the year the commission vacancy will occur. The nomination form shall provide for the name of the producer being nominated and the names of five producers nominating such nominee. The producers nominating such nominee shall affix their signatures to such form and shall further attest that the said nominee meets the qualifications for a producer member to serve on the commission and that he will be willing to serve on the commission if elected.

All nominations as provided for herein shall be returned to the director by April 30th, and the director shall not accept any nomination postmarked later than midnight April 30th, nor place the candidate thereon on the election ballot.

Ballots for electing members to the commission will be mailed by the director to all eligible producers no later than May 15th, in districts where elections are to be held and such ballots to be valid shall be returned postmarked no later than May 31st of the year mailed, to the director in Olympia.

Whenever producers fail to file any nominating petitions, the director shall nominate at least two, but not more than three, qualified producers and place their names on the secret mail election ballot as nominees: *Provided*, That any qualified producer may be elected by a write-in ballot, even though said producer's name was not placed in nomination for such election.

Sec. 31. Section 15.50.020, chapter 11, Laws of 1961 and RCW 15.50.020 are each amended to read as follows:

RCW 15.50.020 amended.

No person shall sell, offer for sale, hold for sale, barter, trade or knowingly transport within this state any Irish potatoes either whole or in part for seed, propagating or reproduction purposes unless such potatoes are in new containers and are accompanied by a certificate stating that such potatoes are not infected with bacterial ring rot, powdery scab, blackwort, nematode and/or more than one percent net necrosis associated with leaf roll, and/or more than one percent blackleg and/or more than three percent deep pitted scab and/or the general infection of light scab affecting ten percent or more of the tubers by weight and/or any other insect, pests or plant disease or diseases which may impair or endanger the production of Irish potatoes in this state.

Irish seed potatoes—Prohibitions.

NOTE: The above section was amended by the Legislature, but such action was nullified by the Governor's veto of this section. See page 1327 for Governor's explanation.

NOTE: See also section 1, chapter 179, Laws of 1967.

Sec. 32. Section 6, chapter 31, Laws of 1965 extraordinary session and RCW 15.53.9018 are each amended to read as follows:

RCW 15.53.9018 amended.

(1) On or after October 1, 1965, there shall be due and owing to the department an inspection fee of four cents per ton on all commercial feed distributed in this state. Such inspection fee shall be paid by any person who distributes twenty-five tons or more of commercial feed in this state in any calendar year: *Provided*, That when more than one person is involved in the distribution of a commercial feed, the person who distributes to the consumer is responsible for reporting the tonnage and paying the inspection fee unless the report and payment have been made by a prior distributor of the feed: *And provided further*, That no inspection fee shall

Agriculture—Commercial feed—Inspection fee.

Agriculture—
Commercial
feed—Inspection
fee.

be paid on that part of any commercial feed on which an inspection fee has been paid to the department, or any commercial feed which is shipped out of state.

(2) The distributor of any commercial feed to a consumer in this state shall:

(a) File, not later than the last day of January, April, July, and October of each year, a quarterly statement under oath, setting forth the number of net tons of commercial feed distributed in this state during the preceding calendar quarter; and upon filing such statement shall pay the inspection fee at the rate stated in subsection (1) hereof: *Provided*, That upon permission of the department, an annual statement under oath may be filed by any person distributing within the state less than twenty-five tons per quarter during any calendar year, and upon filing such statement such person shall pay the inspection fee at the rate stated in subsection (1) hereof;

(b) Keep such reasonable and practical records as may be necessary or required by the department to indicate accurately the tonnage of commercial feed distributed in this state, and the department shall have the right to examine such records to verify statements of tonnage.

Failure to make an accurate statement of tonnage or to pay the inspection fee or comply as provided herein shall constitute a violation of this chapter.

(3) 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 collection fee of ten percent added to the amount due when payment is finally made. The assessment of this collection fee shall not prevent the department from taking other actions as provided for in this chapter.

(4) Any commercial feed purchased by a consumer or contract feeder outside the jurisdiction of this state and brought into this state for use shall be subject to all the provisions of this chapter, including inspection fees.

Sec. 33. Section 10, chapter 31, Laws of 1965 extraordinary session and RCW 15.53.9026 are each amended to read as follows:

RCW 15.53.9026 amended.

No person shall distribute commercial feed at retail without first having obtained an annual license from the department which shall expire on the thirty-first day of December. A separate license shall be required for each establishment or vehicle used by the applicant to sell commercial feed at retail: *Provided*, That such license shall not be required of, (1) any vehicle used by a licensee merely in delivering commercial feed, (2) any dealer as to his sales of foods for domestic household pets, such as dogs, cats, and birds, and (3) any dealer as to his sales of commercial feeds in packages of less than ten pounds.

Retail distributors license—
Exceptions.

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

RCW 16.57.010 amended.

For the purpose of this chapter:

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

Identification of livestock—
Definitions.

(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

Agriculture—
Identification
of livestock.

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.

RCW 16.57.220
amended.

Sec. 35. Section 22, chapter 54, Laws of 1959 and RCW 16.57.220 are each amended to read as follows:

Charges for
brand inspection.

The director shall cause a charge to be made for all brand inspection required under this chapter and/or rules and regulations adopted hereunder. Such charge shall be paid to the department by the owner or person in possession of such livestock at the time of brand inspection and shall be a lien on the livestock or hides brand inspected until such charge is paid. Such charge shall be not less than twenty cents, nor more than thirty cents per head of livestock or livestock hides brand inspected and shall be set at the discretion of the director, subsequent to a hearing and satisfying the requirements of chapter 34.04 RCW (Administrative Procedure Act) for adopting rules and regulations.

RCW 16.57.290
amended.

Sec. 36. Section 29, chapter 54, Laws of 1959 and RCW 16.57.290 are each amended to read as follows:

Estrays.

All unbranded cattle, horses, mules, and burros and those bearing brands not recorded which are not accompanied by a certificate of permit,

signed by the owner of the brand when presented for inspection, are hereby declared 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 purchaser a bill of sale therefor.

NOTE: The above section was amended by the Legislature, but such action was nullified by the Governor's veto of this section. See page 1327 for Governor's explanation.

NOTE: See also section 6, chapter 120, Laws of 1967 ex. sess.

Sec. 37. There is added to chapter 54, Laws of 1959 and to chapter 16.57 RCW, a new section to read as follows: New section.

Any cattle carcass, or primal part thereof, of any breed or age being transported in this state from other than a state or federal licensed and inspected slaughterhouse or common carrier hauling for such slaughterhouse, shall be accompanied by a certificate of permit signed by the owner of such carcass or primal part thereof and, if such carcass or primal part is delivered to a facility custom handling such carcasses or primal part thereof, such certificate of permit shall be deposited with the owner or manager of such custom handling facility and such certificate of permit shall be retained for a period of one year and be made available to the department for inspection during reasonable business hours. The owner of such carcass or primal part thereof shall mail a copy of the said certificate of permit to the department within ten days of said transportation. Transporting cattle carcass or primal part —Certificate of permit required.

Sec. 38. There is added to chapter 54, Laws of 1959 and to chapter 16.57 RCW, a new section to read as follows: New section.

Any person having a brand recorded with the department shall have a pre-emptory right to use such brand and its design under any newly approved method of branding adopted by the director. Pre-emptory right to brand.

RCW 19.32.050 amended.

Food lockers—
License fees—
Annual re-
newal.

Sec. 39. Section 4, chapter 117, Laws of 1943 and RCW 19.32.050 are each amended to read as follows:

(1) The director of agriculture shall collect with each application for a refrigerated locker license, or renewal of such license, an annual fee of ten dollars. All such license and renewal fees shall be deposited in the state's general fund.

(2) Each such license shall expire on December 31st following its date of issue, unless sooner revoked for cause. Renewal may be obtained annually by surrendering to the director of agriculture the old license certificate and paying the required annual license fee. Such license fee shall not be transferable to any person nor be applicable to any location other than that for which originally issued.

RCW 20.01.010 amended.

Commission
merchants—
Definitions.

Sec. 40. Section 1, chapter 139, Laws of 1959, as amended by section 1, chapter 232, Laws of 1963, and RCW 20.01.010 are each amended to read as follows:

For the purpose of this chapter:

(1) "Director" means the director of agriculture or his duly authorized representative.

(2) "Person" means any natural person, firm, partnership, exchange, association, trustee, receiver, corporation, and any member, officer, or employee thereof or assignee for the benefit of creditors.

(3) "Agricultural product" means any horticultural, viticultural, berry, poultry, poultry product, grain including mint or mint oil processed by or for the producer thereof and hay and straw baled or prepared for market in any manner or form by or for the producer thereof, bee, or other agricultural products, and livestock except horses, mules, and asses.

(4) "Producer" means any person engaged in the business of growing or producing any agricultural product.

(5) "Consignor" means any producer or person

who sells, ships or delivers to any commission merchant, dealer, cash buyer, or agent, any agricultural product for processing, handling, sale or resale.

(6) "Commission merchant" means any person who shall receive on consignment for sale or processing and sale from the consignor thereof any agricultural product for sale on commission on behalf of such consignor, or who shall accept any farm product in trust from the consignor thereof for the purpose of resale, or who shall sell or offer for sale on commission any agricultural product, or who shall in any way handle for the account of or as an agent of the consignor thereof, any agricultural product.

(7) "Dealer" means any person other than a commission merchant or cash buyer, as defined in subsection (9) of this section, who solicits, contracts for or obtains from the consignor thereof, for reselling or processing, title, possession or control of any agricultural product, or who buys or agrees to buy any agricultural product from the consignor thereof for sale or processing.

(8) "Broker" means any person other than a commission merchant, dealer, or cash buyer who negotiates the purchase or sale of any agricultural product: *Provided*, That no broker may handle the agricultural products involved or proceeds of such sale.

(9) "Cash buyer" means any person other than a commission merchant, dealer, or broker, who obtains from the consignor thereof for the purpose of resale or processing, title, possession or control of any agricultural product or who contracts for the title, possession or control of any agricultural product, or who buys or agrees to buy any agricultural product by paying to the consignor at the time of obtaining possession or control of any agricultural product the full agreed price of such agricultural product, in coin or currency, lawful money of the

United States. However, a cashier's check, certified check or bankdraft may be used for such payment.

(10) "Agent" means any person who, on behalf of any commission merchant, dealer, broker, or cash buyer, receives, contracts for or solicits any agricultural product from the consignor thereof or who negotiates the consignment or purchase of any agricultural product on behalf of any commission merchant, dealer, broker, or cash buyer and who transacts all or a portion of such business at any location other than at the principal place of business of his employer.

(11) "Retail merchant" means any person operating from a bona fide or established place of business selling agricultural products: *Provided*, That any retailer may occasionally wholesale any agricultural product which he has in surplus; however, such wholesaling shall not be in excess of two percent of such retailer's gross business.

(12) "Fixed or established place of business" for the purpose of this chapter shall mean any permanent warehouse, building, or structure, at which necessary and appropriate equipment and fixtures are maintained for properly handling those agricultural products generally dealt in, and at which supplies of the agricultural products being usually transported are stored, offered for sale, sold, delivered and generally dealt in in quantities reasonably adequate for and usually carried for the requirements of such a business and which is recognized as a permanent business at such place, and carried on as such in good faith and [not] for the purpose of evading this chapter, and where specifically designated personnel are available to handle transactions concerning those agricultural products generally dealt in, said personnel being available during designated and appropriate hours to that business, and shall not mean a residence, barn, garage, tent, tem-

porary stand or other temporary quarters, any railway car, or permanent quarters occupied pursuant to any temporary arrangement.

Sec. 41. Section 3, chapter 139, Laws of 1959 and RCW 20.01.030 are each amended to read as follows: RCW 20.01.030 amended.

This chapter does not apply to:

- (1) Any cooperative marketing associations or federations incorporated under, or whose articles of incorporation and bylaws are equivalent to, the requirements of chapter 23.86 or chapter 24.32 RCW, except as to that portion of the activities of such association or federation as involves the handling or dealing in the agricultural products of nonmembers of such organization. Licensing—Exemptions.
- (2) Any person who sells exclusively his own agricultural products as the producer thereof.
- (3) Any public livestock market operating under a bond required by law or a bond required by the United States to secure the performance of such public livestock market's obligation.
- (4) Any retail merchant having a bona fide fixed or permanent place of business in this state.
- (5) Any person buying farm products for his own use or consumption.
- (6) Any warehouseman or grain dealer licensed under the state grain warehouse act with respect to his operation as such licensee.
- (7) Any nurseryman who is required to be licensed under the horticultural laws of the state with respect to his operations as such licensee.
- (8) Any person licensed under the now existing dairy laws of the state with respect to his operations as such licensee.

Sec. 42. There is added to chapter 139, Laws of 1959 and to chapter 20.01 RCW a new section to read as follows: New section

Whenever a commission merchant or dealer han-

Commission
merchants rec-
ords—Pre-
sumptions.

dling any agricultural products fails to carry out the provisions of RCW 20.01.370 or 20.01.380, whichever is applicable, and there is no contract in writing attested to by the consignor and the commission merchant or dealer varying the said requirements of RCW 20.01.370 or 20.01.380, it shall be prima facie evidence that the transaction involving the handling of any agricultural products between the consignor and the commission merchant or dealer was either a commission type transaction, or dealer transaction constituting an outright sale by the consignor, whichever is most favorable to the consignor. Such determination in favor of the consignor shall be based on the market price of the agricultural product in question at the time the complaint is filed against said commission merchant or dealer by the consignor: *Provided*, That if the return to the consignor is determined most favorably on a commission basis, the total commission shall not exceed ten percent, and all other charges for handling the agricultural product in question shall be figured on the basis of the actual cost of said handling.

New section.

Sec. 43. There is added to chapter 139, Laws of 1959 and to chapter 20.01 RCW a new section to read as follows:

Licensee—Evi-
dence of activ-
ities.

It shall be prima facie evidence that a licensee under the provisions of chapter 20.01 RCW is acting at all time as such licensee in handling agricultural products, even though he may also be a producer of or acting in his capacity as a producer at the time he is handling such agricultural products.

RCW 69.12.050
amended.

Sec. 44. Section 5, chapter 137, Laws of 1937 and RCW 69.12.050 are each amended to read as follows:

(1) There shall be paid to the director of agriculture with each application for a bakery license or distributor's license or for renewal of such license an annual license fee of five dollars. All such license

and renewal fees shall be deposited in the state's general fund.

Bakeries and bakery products—Licenses

(2) Each such license shall expire on December 31st following its date of issue, unless sooner revoked for cause. Renewal may be obtained annually by surrendering to the director of agriculture the old license certificate and paying the required annual license fee. Such license shall not be transferable to any person or be applicable to any location other than that for which originally issued.

Sec. 45. Section 9, chapter 190, Laws of 1939 and RCW 69.16.050 are each amended to read as follows:

RCW 69.16.050 amended.

There shall be paid to the director of agriculture with each application for a macaroni factory permit or distributor's permit or for renewal of such permit an annual fee of twenty-five dollars. All such permit and renewal fees shall be deposited in the state's general fund.

Macaroni and macaroni products—Permit.

Sec. 46. Section 10, chapter 112, Laws of 1939 and RCW 69.20.040 are each amended to read as follows:

RCW 69.20.040 amended.

There shall be paid to the director with each application for a confectioner's permit or for a renewal thereof an annual permit fee of five dollars. All such permit and renewal fees shall be deposited in the state's general fund.

Confections and confectioners—Annual permit fee.

Sec. 47. The following special funds are hereby abolished:

Certain funds abolished.

- (1) Locker license fund,
- (2) Bakery license fund,
- (3) Macaroni license fund, and
- (4) Confectioners license fund.

The effective date of this section shall be July 1, 1967.

Sec. 48. All the funds remaining in the locker license fund, bakery license fund, macaroni license fund and confectioners license fund on June 30, 1967 shall be transferred to the state's general fund.

Transfer of funds to general fund.

RCW 69.24.220
amended.

Sec. 49. Section 10, chapter 193, Laws of 1955 and RCW 69.24.220 are each amended to read as follows:

Eggs—Seals.

The director shall provide and make available a suitable seal to be known as the Washington state egg seal; and to accomplish this end he is authorized to issue special permits allowing reasonable facsimiles of the Washington state egg seal to be imprinted on cartons, bags, or other containers used for shell eggs. The director shall from time to time prescribe rules and regulations governing the affixing of seals and the issuance, use, and cancellation of such permits or seals and he is authorized to cancel any special permit issued pursuant to this chapter or to said rules and regulations at any time whenever the director finds that a violation of the terms under which the permit was granted has occurred or a violation of any of the provisions of this chapter has occurred. The director shall have the power from time to time to establish a sum not in excess of two and one-half mills per dozen eggs which persons who purchase such gummed seals or who imprint such facsimile seals or who use the same shall pay for each seal so purchased, affixed, or imprinted and to promulgate rules and regulations relating to the time and manner of the payment of such sums. The proceeds from the sale of said seals shall be expended by the director to assist in defraying salaries and expenses incurred in the enforcement of the provisions of this chapter.

It shall be unlawful for any person to sell any eggs for human consumption within the state of Washington in previously used cartons, bags, or other containers bearing the Washington state egg seal or any similar identification whatsoever, except the same is obliterated or defaced.

RCW 69.24.260
amended.

Sec. 50. Section 14, chapter 193, Laws of 1955 and RCW 69.24.260 are each amended to read as follows:

It shall be unlawful to sell eggs for human con-

sumption without notifying the consumer of the exact grade or quality and size or weight of the eggs according to the standards prescribed by the director by stamping or printing on the container of the eggs such grade or quality and size or weight or if the eggs are offered for sale in bulk, without displaying in a conspicuous place on the container from which they are offered or exposed for sale, a sign printed in letters not less than two inches high, giving the grade, quality, size and weight, and without placing a state egg seal upon each container in which eggs are sold or delivered at retail. The provisions of this section shall not apply to a person selling eggs of his own production except when they are sold at retail to the consumer: *Provided*, That this section, except the provisions relating to egg seals, shall not affect the sale of eggs by the producer when the consumer purchases and receives them at the place of production.

Eggs—Notice of grade or quality, size or weight.

Sec. 51. Section 1, chapter 124, Laws of 1963 and RCW 22.09.010 are each amended to read as follows:

RCW 22.09.010 amended.

For the purpose of this chapter:

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

Agricultural commodities warehouses—Definitions.

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

(3) "Person" means a natural person, individual, firm, partnership, corporation, company, society, association, cooperative, port district, or two or more persons having a joint or common interest.

(4) "Agricultural commodities", hereinafter referred to as commodities, means, but is not limited to, all the grains, hay, peas, hops, grain and hay products, beans, lentils, corn, sorghums, malt, peanuts, flax, and other similar agricultural products, and shall also include agricultural seeds but only when stored by a warehouseman who issues negotiable warehouse receipts therefor.

Agricultural
commodities
warehouses—
Definitions.

(5) "Public warehouse" hereinafter referred to as "warehouse" means any elevator, mill, warehouse, public grain warehouse, public warehouse, terminal warehouse, station, or other structure or facility in which commodities are received from the public for storage, shipment, or handling, for compensation: *Provided*, That this shall not include any warehouse storing or handling fresh fruits and/or vegetables or any warehouse used exclusively for cold storage.

(6) "Terminal warehouse" means any warehouse designated as a terminal by the department, and located at an inspection point where inspection facilities are maintained by the department and where commodities are ordinarily received and shipped by common carrier.

(7) "Inspection point" means a city, town, or other place wherein the department maintains inspection and weighing facilities.

(8) "Station" means two or more warehouses between which commodities are commonly transferred in the ordinary course of business and which are (a) immediately adjacent to each other, or (b) located within the corporate limits of any city or town and subject to the same transportation tariff zone, or (c) at any railroad siding or switching area and subject to the same transportation tariff zone, or (d) at one location in the open country off rail, or (e) in any area which can be reasonably audited by the department as a station under the provisions of this chapter and which has been established as such by the director by rule or regulation adopted pursuant to chapter 34.04 RCW.

(9) "Depositor" means any person who deposits a commodity in a warehouse for storage, handling, or shipment, or who is the owner or legal holder of a warehouse receipt, outstanding scale weight ticket, or other evidence of such deposit.

(10) "Warehouse receipt" means a negotiable or nonnegotiable warehouse receipt as provided for in the Uniform Warehouse Receipts Act (chapter 22.04 RCW), as enacted or hereafter amended.

(11) "Warehouseman" means any person owning, operating, or controlling a warehouse.

(12) "Scaleweight ticket" means a load slip or other evidence of deposit, serially numbered, not including warehouse receipts as defined in subsection (10) of this section, given a depositor on request upon initial delivery of the commodity to the warehouse and shall show the warehouse name, and state number, type of commodity, weight thereof, name of depositor, and the date delivered.

Sec. 52. If any provision of this 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. Severability.

Passed the Senate February 27, 1967.

Passed the House March 6, 1967.

Approved by the Governor March 21, 1967, with the exception of Section 31 and Section 36 which were vetoed.

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

"This bill embodies a substantial number of amendments to state laws relating to agriculture, and was introduced at the request of the state department of agriculture. I have no objections to the provisions of this bill, but for technical reasons I believe two sections should be vetoed.

"I have vetoed section 31 because this section embodies the same amendment to RCW 15.50.020 which is also contained in House Bill 142 passed by the legislature and heretofore approved by me.

"I have also vetoed section 36; because a number of words in the existing law not intended to be deleted from this section were inadvertently omitted when this bill was prepared. The omission of these words greatly changes the meaning of the section, and would cause the law to be amended in a manner not intended by the legislature. The director of agriculture agrees that it would be preferable to leave the law unchanged rather than to allow this section to become law in its present form.

"With the exception of section 31 and section 36, which I have vetoed, the remainder of Senate Bill No. 320 is approved."

DANIEL J. EVANS,
Governor.