

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

Section 1. Section 1, chapter 38, Laws of 1967 and RCW 66.12.110 are each amended to read as follows:

A person twenty-one years of age or over may bring into the state from without the United States, free of tax and markup, for his personal or household use such alcoholic beverages as have been declared and permitted to enter the United States duty free under federal law.

Such entry of alcoholic beverages in excess of that herein provided may be authorized by the board upon payment of an equivalent markup and tax as would be applicable to the purchase of the same or similar liquor at retail from a Washington state liquor store. The board shall adopt appropriate regulations pursuant to chapter 34.04 RCW for the purpose of carrying out the provisions of this section. The board may issue a class H license to a charitable or non-profit corporation of the state of Washington, the majority of the officers and directors of which are United States citizens and the minority of the officers and directors of which are citizens of the Dominion of Canada, and where the location of the premises for such class H license is not more than ten miles south of the border between the United States and the province of British Columbia.

Passed the House June 8, 1975.

Passed the Senate June 7, 1975.

Approved by the Governor June 27, 1975.

Filed in Office of Secretary of State June 27, 1975.

CHAPTER 257

[House Bill No. 962]

AGRICULTURE

AN ACT Relating to agriculture; amending section 25, chapter 33, Laws of 1971 ex. sess. and RCW 15.13.470; amending section 47, chapter 63, Laws of 1969 as amended by section 13, chapter 199, Laws of 1969 ex. sess. and RCW 15.49.470; amending section 2, chapter 31, Laws of 1965 ex. sess. and RCW 15.53.901; amending section 4, chapter 31, Laws of 1965 ex. sess. and RCW 15.53.9014; amending section 6, chapter 31, Laws of 1965 ex. sess. as amended by section 32, chapter 240, Laws of 1967 and RCW 15.53.9018; amending section 15, chapter 31, Laws of 1965 ex. sess. and RCW 15.53.9036; amending section 16, chapter 31, Laws of 1965 ex. sess. and RCW 15.53.9038; amending section 19, chapter 31, Laws of 1965 ex. sess. and RCW 15.53.9044; amending section 23, chapter 22, Laws of 1967 ex. sess. and RCW 15.54.350; amending section 24, chapter 22, Laws of 1967 ex. sess. and RCW 15.54.360; amending section 36, chapter 22, Laws of 1967 ex. sess. and RCW 15.54.480; repealing section 10, chapter 31, Laws of 1965 ex. sess., section 33, chapter 240, Laws of 1967 and RCW 15.53.9026; repealing sections 11 through 14, chapter 31, Laws of 1965 ex. sess. and RCW 15.53.9028 through 15.53.9034; providing an effective date; and declaring an emergency.

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

Section 1. Section 25, chapter 33, Laws of 1971 ex. sess. and RCW 15.13.470 are each amended to read as follows:

All ~~((fees))~~ moneys except assessment collected under the provisions of this chapter shall be paid ~~((to the state treasurer to be deposited in))~~ into 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))~~ in the state treasury which is hereby established. ~~((All moneys collected under the provisions of RCW 15.13.010~~

through 15.13.210, 15.13.900 and 15.13.910 and remaining in such nursery inspection account on July 1, 1971;)) Such fund shall be used ((for) only in the administration and enforcement of this chapter. ((All the moneys in such nursery inspection account shall be subject to the provisions of RCW 43.79.330;)) All moneys collected under the provisions of chapter 15.13 RCW and remaining in such nursery inspection account in the state general fund on July 1, 1975, shall likewise be used only in the administration and enforcement of this chapter: PROVIDED, That all fees collected for fruit tree, fruit tree seedling and fruit tree rootstock assessments as set forth in this chapter shall be deposited in the northwest nursery fund to be used only for the Washington fruit tree certification and nursery improvement programs as set forth in this chapter and chapter 15.14 RCW.

Sec. 2. Section 47, chapter 63, Laws of 1969 as amended by section 13, chapter 199, Laws of 1969 ex. sess. and RCW 15.49.470 are each amended to read as follows:

All ~~((fees))~~ moneys collected under the provisions of this chapter shall be paid ~~((to the state treasurer to be deposited in))~~ into the seed fund ~~((account))~~ in the state ~~((general fund as provided for in RCW 43.79.330, as is now or hereafter amended, to))~~ treasury which is hereby established. Such fund shall be used only in the administration and enforcement of this chapter. All moneys collected under the provisions of ~~((RCW 15.48.010 through 15.48.260))~~ chapter 15.49 RCW and remaining in such seed fund account on July 1, ((1969)) 1975, shall likewise be used only in the enforcement of this chapter: PROVIDED, That all fees, fines, forfeitures and penalties collected or assessed by a justice court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as now exists or is later amended.

Sec. 3. Section 2, chapter 31, Laws of 1965 ex. sess. and RCW 15.53.901 are each amended to read as follows:

For the purposes of this chapter:

(1) "Department" means the department of agriculture of the state of Washington or its duly authorized representative.

(2) "Person" means a natural person, individual, firm, partnership, corporation, company, society, or association.

(3) "Distribute" means to ~~((offer for sale, hold for sale, sell, or barter, commercial feed, or to supply, furnish or otherwise provide commercial feed to a contract feeder))~~ import, consign, manufacture, produce, compound, mix, or blend commercial feed, or to offer for sale, sell, barter, or otherwise supply commercial feed in this state.

(4) "Distributor" means any person who distributes.

(5) "Sell" or "sale" includes exchange.

(6) "Commercial feed" means all materials including customer-formula feed which are distributed for use as feed or for mixing in feed, for animals other than man except:

(a) Unmixed seed, whole or processed, made directly from the entire seed;

(b) Unground hay, straw, stover, silage, cobs, husks, and hulls when not mixed with other materials;

(c) Individual chemical compounds when not mixed with other materials; or

(d) Bona fide experimental feeds, on which accurate records and experimental programs are maintained.

(7) "Feed ingredient" means each of the constituent materials making up a commercial feed.

(8) "Customer-formula feed" means a mixture of commercial feed and/or materials each batch of which mixture is mixed according to the specific instructions of the final purchaser, or contract feeder.

(9) "Brand" means the term, design, trademark, or other specific designation under which an individual commercial feed is distributed in this state.

(10) "Label" means a display of written, printed, or graphic matter upon or affixed to the container in which a commercial feed is distributed, or on the invoice or delivery slip with which a commercial feed is distributed.

(11) "Ton" means a net weight of two thousand pounds avoirdupois.

(12) "Percent" or "percentage" means percentage by weight.

(13) "Official sample" means any sample of feed taken by the department, obtained and analyzed as provided in RCW 15.53.9024.

(14) "Contract feeder" means an independent contractor, or any other person who feeds commercial feed to animals pursuant to an oral or written agreement whereby such commercial feed is supplied, furnished or otherwise provided to such person by any distributor and whereby such person's remuneration is determined all or in part by feed consumption, mortality, profits, or amount or quality of product: PROVIDED, That it shall not include a bona fide employee of a manufacturer or distributor of commercial feed.

(15) "Retail" means to distribute to the ultimate consumer.

Sec. 4. Section 4, chapter 31, Laws of 1965 ex. sess. and RCW 15.53.9014 are each amended to read as follows:

(1) Each commercial feed shall be registered with the department and such registration shall be renewed annually before such commercial feed may be distributed in this state: PROVIDED, That customer-formula feeds are exempt from such registration.

(a) ~~((The first and original application for a brand registration for a commercial feed, under the provisions of this chapter, shall be accompanied by a registration fee of ten dollars.~~

~~(b) Each annual renewal of a brand registration for a commercial feed shall be accompanied by a renewal fee of five dollars.~~

~~(c) Any person who distributes a commercial feed in packages of less than ten pounds shall pay an annual registration fee of ten dollars on each such commercial feed so distributed: PROVIDED, That no inspection fee shall be collected on packages of less than ten pounds of the commercial feed so registered)) Beginning January 1, 1976, each annual brand registration for a commercial feed distributed in packages of ten pounds or more shall be accompanied by a fee of five dollars: PROVIDED, That if such commercial feed is also distributed in packages of less than ten pounds they shall be registered under subsection (b) of this section.~~

(b) Beginning January 1, 1976, each annual brand registration for a commercial feed distributed in packages of less than ten pounds shall be accompanied by

an annual registration fee of twenty dollars on each such commercial feed so distributed: PROVIDED, That no inspection fee shall be collected on packages of less than ten pounds of the commercial feed so registered.

(2) The application for registration shall be on forms provided by the department.

(3) The department may require that such application be accompanied by a label and/or other printed matter describing the product. All registrations issued on or after January 1, ~~((1966))~~ 1975, shall be renewable ~~((as provided in (1)(b) of this section))~~ unless such registration is canceled by the department or it has called for a new registration, or unless canceled by the registrant.

(4) The application shall include the information required by subsections (1)(b) through (1)(e) of RCW 15.53.9016.

(5) A distributor shall not be required to register any brand of commercial feed which is already registered under the provisions of this chapter by any other person.

(6) Changes in the guarantee of either chemical or ingredient composition of a commercial feed registered under the provisions of this chapter may be permitted provided there is satisfactory evidence that such changes would not result in a lowering of the feed value of the product for the purpose for which designed.

(7) The department is empowered to refuse registration of any application not in compliance with the provisions of this chapter and to cancel any registration subsequently found not to be in compliance with any provisions of this chapter: PROVIDED, That no registration shall be refused or canceled until the registrant shall have been given opportunity to be heard before the department and to amend his application in order to comply with the requirements of this chapter.

Sec. 5. Section 6, chapter 31, Laws of 1965 ex. sess. as amended by section 32, chapter 240, Laws of 1967 and RCW 15.53.9018 are each amended to read as follows:

(1) ~~On or after ((October 1, 1965, there shall be due and owing)), July 1, 1975 each initial distributor of a commercial feed in this state shall pay to the department an inspection fee of ((four)) six cents per ton on all commercial feed ((distributed in this state)) Sold by such person during the year. ((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 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)~~

(2) In computing the tonnage on which the inspection fee must be paid, sales of commercial feed to other feed registrants, sales of commercial feed in packages weighing less than ten pounds, and sales of commercial feed for shipment to points outside this state may be excluded.

(3) When more than one distributor is involved in the distribution of a commercial feed, the last registrant or initial distributor who distributes to a nonregistrant (dealer or consumer) is responsible for reporting the tonnage and paying the inspection fee, unless the reporting and paying of fees have been made by a prior distributor of the feed.

(4) Each person made responsible by this chapter for the payment of inspection fees for commercial feed 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 feed sold during the three calendar months immediately preceding the date the report is due. 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: 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))~~ fifty 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;))~~ of this section.

~~((b))~~ (5) Each distributor shall 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))~~ (6) 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))~~ twenty-five percent, but not less than five dollars, 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.

(7) The report required by subsection (4) 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 if 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.

~~((4))~~ (8) 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. 6. Section 15, chapter 31, Laws of 1965 ex. sess. and RCW 15.53.9036 are each amended to read as follows:

All hearings for a denial, suspension, or revocation of any ~~((license or))~~ registration provided for in this chapter shall be subject to the provisions of chapter 34.04 RCW (The Administrative Procedure Act) concerning contested cases, as enacted or hereafter amended.

Sec. 7. Section 16, chapter 31, Laws of 1965 ex. sess. and RCW 15.53.9038 are each amended to read as follows:

(1) When the department has determined that any lot of commercial feed is adulterated or misbranded ~~((and))~~ or is being distributed in violation of this chapter or any regulations hereunder it may issue and enforce a written or printed "withdrawal from distribution" order, warning the distributor not to dispose of the lot of feed in any manner until written permission is given by the department or a court of competent jurisdiction. The department shall release the lot of commercial feed so withdrawn when said provisions and regulations have been complied with. If compliance is not obtained within thirty days, the department may begin proceedings for condemnation.

(2) Any lot of commercial feed not in compliance with said provisions and regulations shall be subject to seizure on complaint of the department to a court of competent jurisdiction in the area in which said commercial feed is located. In the event the court finds the said commercial feed to be in violation of this chapter and orders the condemnation of said commercial feed, it shall be disposed of in any manner consistent with the quality of the commercial feed and the laws of the state: PROVIDED, That in no instance shall the disposition of said commercial feed be ordered by the court without first giving the claimant an opportunity to apply to the court for release of said commercial feed or for permission to process or relabel said commercial feed to bring it into compliance with this chapter.

Sec. 8. Section 19, chapter 31, Laws of 1965 ex. sess. and RCW 15.53.9044 are each amended to read as follows:

All ~~((fees))~~ moneys collected under the provisions of this chapter shall be paid ~~((to the state treasurer to be deposited in))~~ into the commercial feed ~~((account))~~ fund in the state ~~((general fund as provided in RCW 43.79.330 to))~~ treasury which is hereby established. Such fund shall be used only in the administration and enforcement of this chapter. All moneys collected under the provisions of ~~((RCW 15.53.010 through 15.53.900))~~ chapter 15.53 RCW and remaining in such commercial feed account in the state general fund on the effective date of this chapter, shall be used in enforcement of this chapter.

Sec. 9. Section 23, chapter 22, Laws of 1967 ex. sess. and RCW 15.54.350 are each amended to read as follows:

(1) Each distributor of a commercial fertilizer in this state shall pay to the department an inspection fee of ~~((five))~~ seven cents per ton of lime and ~~((ten))~~ thirteen cents per ton of all other commercial fertilizer sold by such person during the year beginning ~~((January))~~ July 1st and ending ~~((December 31))~~ June 30th.

(2) In computing the tonnage on which the inspection fee must be paid, sales of commercial fertilizers to fertilizer manufacturers, sales of commercial fertilizers

in packages weighing five pounds net or less, and sales of commercial fertilizers for shipment to points outside this state may be excluded.

(3) When more than one distributor is involved in the distribution of a commercial fertilizer, the last registrant who distributes to a nonregistrant (dealer or consumer) is responsible for reporting the tonnage and paying the inspection fee, unless the reporting and paying of fees have been made by a prior distributor of the fertilizer.

Sec. 10. Section 24, chapter 22, Laws of 1967 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 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 tons per quarter 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) The report required by subsection (1) hereof 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. 11. Section 36, chapter 22, Laws of 1967 ex. sess. and RCW 15.54.480 are each amended to read as follows:

All ~~((fees))~~ moneys collected under the provisions of this chapter shall be paid ~~((to the state treasurer to be deposited in))~~ into the fertilizer, agricultural mineral and lime ~~((account in the state general fund as provided for in RCW 43.79.330, which))~~ fund in the state treasury which is hereby established. Such fund shall be used only in the administration and enforcement of this chapter. All moneys collected under the provisions of ~~((RCW 15.54.010 through 15.54.250 and 15.54.900))~~ chapter 15.54 RCW and remaining in such fertilizer, agricultural mineral and lime

account in the state general fund on July 1, (~~1967~~) 1975, shall likewise be used only in the enforcement of this chapter.

NEW SECTION. Sec. 12. (1) The following acts or parts of acts are each repealed:

(a) Section 10, chapter 31, Laws of 1965 ex. sess., section 33, chapter 240, Laws of 1967 and RCW 15.53.9026; and

(b) Sections 11 through 14, chapter 31, Laws of 1965 ex. sess. and RCW 15.53.9028 through 15.53.9034.

(2) The enactment of this act and the repeal of the sections listed in subsection (1) of this section shall not have the effect of terminating, or in any way modify any liability, civil or criminal, which shall already be in existence on the effective date of this 1975 amendatory act.

(3) All licenses and registrations in effect on the effective date of this 1975 amendatory act shall continue in full force and effect until their regular expiration date, December 31, 1975. No registration or license that has already been paid under the requirements of prior law shall be refunded.

NEW SECTION. Sec. 13. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions and shall take effect on July 1, 1975.

Passed the House June 4, 1975.

Passed the Senate May 31, 1975.

Approved by the Governor June 27, 1975.

Filed in Office of Secretary of State June 27, 1975.

CHAPTER 258

[Substitute House Bill No. 972]

SOCIAL AND HEALTH SERVICES FACILITIES— GENERAL OBLIGATION BOND FINANCING

AN ACT Relating to the support of state government; providing for the planning, acquisition, construction, remodeling, improving, and equipping of social and health services facilities; providing for the financing thereof by the issuance of bonds and anticipation notes; creating new sections; and declaring an emergency.

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

NEW SECTION. Section 1. For the purpose of providing needed capital improvements consisting of the planning, acquisition, construction, remodeling, improving, and equipping of social and health services facilities, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of twenty-three million six hundred twenty thousand dollars or so much thereof as shall be required to finance social and health services facilities as is set forth by appropriation from the social and health services facilities construction account in the general fund by chapter . . . , Laws of 1975, the capital appropriation act, for such purposes, to be paid and discharged within thirty years of the date of issuance in accordance with Article VIII, section 1 of the Constitution of the state of Washington.