

Such studies and classifications shall be published in the form of a manual or revised manual, suitable for use by the governing bodies of school districts, by the superintendent of public instruction, and by the legislature.

Passed the Senate April 4, 1975.

Passed the House April 2, 1975.

Approved by the Governor April 9, 1975.

Filed in Office of Secretary of State April 9, 1975.

CHAPTER 6

[Engrossed Senate Bill No. 2203]

HUNTING LICENSES—REVOCATION

AN ACT Relating to game; adding a new section to chapter 36, Laws of 1955 and to chapter 77.32 RCW; and prescribing penalties.

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

NEW SECTION. Section 1. There is added to chapter 36, Laws of 1955 and to chapter 77.32 RCW a new section to read as follows:

In addition to any other penalties provided by law, the director shall revoke the hunting license of any person who is convicted of violating RCW 77.16.020 or 77.16.030 relating to elk, moose, cougar, antelope, mountain goat, mountain sheep, caribou, bear or deer. Forfeiture of bail on two occasions during any five-year period for violations of RCW 77.16.020 or RCW 77.16.030 shall constitute the basis for a revocation under this section.

No hunting license shall thereafter be reissued to such person for a period of two years from the date of revocation unless the commission, after a hearing held at one of its regular meetings, authorizes the issuance of such license.

Any person who has had his license revoked or has been denied reissuance pursuant to this section may appeal such decision as provided in chapter 34.04 RCW.

Passed the Senate March 14, 1975.

Passed the House April 2, 1975.

Approved by the Governor April 9, 1975.

Filed in Office of Secretary of State April 9, 1975.

CHAPTER 7

[Engrossed Substitute Senate Bill No. 2150]

AGRICULTURE

AN ACT Relating to agriculture; amending section 23, chapter 122, Laws of 1963 as amended by section 2, chapter 76, Laws of 1969 ex. sess. and RCW 15.17.230; amending section 15.24.170, chapter 11, Laws of 1961 and RCW 15.24.170; amending section 15.28.300, chapter 11, Laws of 1961 and RCW 15.28.300; amending section 15.44.038, chapter 11, Laws of 1961 and RCW 15.44.038; amending section 15.44.070, chapter 11, Laws of 1961 and RCW 15.44.070; amending section 2, chapter 256, Laws of 1961 and RCW 15.65.020; amending section 14, chapter 256, Laws of 1961 and RCW 15.65.140; amending section 16, chapter 256, Laws of 1961 and RCW 15.65.160; amending section 25, chapter 256, Laws of 1961 and RCW 15.65.250; amending section 15.66.010, chapter 11, Laws of 1961 and RCW 15.66.010; amending section 15.66.060, chapter 11, Laws of 1961 as amended by section 1, chapter 66, Laws of 1969 and RCW 15.66.060; amending section 15.66.090, chapter 11, Laws of 1961 and RCW 15.66.090; amending section 15.66.120,

chapter 11, Laws of 1961 and RCW 15.66.120; amending section 15.66.130, chapter 11, Laws of 1961 as amended by section 3, chapter 112, Laws of 1972 ex. sess. and RCW 15.66.130; amending section 8, chapter 61, Laws of 1961 and RCW 15.76.170; amending section 1, chapter 31, Laws of 1951 and RCW 16.13.010; amending section 2, chapter 31, Laws of 1951 and RCW 16.13.020; amending section 3, chapter 31, Laws of 1951 and RCW 16.13.030; amending section 4, chapter 31, Laws of 1951 and RCW 16.13.040; amending section 6, chapter 31, Laws of 1951 and RCW 16.13.060; amending section 3, chapter 139, Laws of 1959 as last amended by section 2, chapter 182, Laws of 1971 ex. sess. and RCW 20.01.030; amending section 1, chapter 124, Laws of 1963 as last amended by section 1, chapter 65, Laws of 1971 and RCW 22.09.010; amending section 3, chapter 124, Laws of 1963 and RCW 22.09.030; amending section 4, chapter 124, Laws of 1963 and RCW 22.09.040; amending section 6, chapter 124, Laws of 1963 and RCW 22.09.060; amending section 9, chapter 124, Laws of 1963 as amended by section 2, chapter 132, Laws of 1969 ex. sess. and RCW 22.09.090; amending section 18, chapter 124, Laws of 1963 and RCW 22.09.180; amending section 29, chapter 257, Laws of 1945 and RCW 69.04.110; amending section 3, chapter 198, Laws of 1963 and RCW 69.04.392; amending section 4, chapter 198, Laws of 1963 and RCW 69.04.394; amending section 6, chapter 198, Laws of 1963 and RCW 69.04.396; adding new sections to chapter 22.09 RCW; adding a new section to chapter 69.04 RCW; repealing section 2, chapter 22, Laws of 1957 and RCW 16.28.010; repealing section 1, chapter 23, Laws of 1905 and RCW 16.28.020; repealing section 2, chapter 23, Laws of 1905 and RCW 16.28.030; repealing section 3, chapter 22, Laws of 1957 and RCW 16.28.040; repealing section 13, chapter 23, Laws of 1905 and RCW 16.28.050; repealing section 4, chapter 23, Laws of 1905, section 1, chapter 31, Laws of 1943 and RCW 16.28.060; repealing section 5, chapter 23, Laws of 1905, section 2, chapter 148, Laws of 1919, section 1, chapter 122, Laws of 1925 ex. sess. and RCW 16.28.070; repealing section 7, chapter 23, Laws of 1905 and RCW 16.28.080; repealing section 8, chapter 23, Laws of 1905 and RCW 16.28.085; repealing section 9, chapter 23, Laws of 1905, section 1, chapter 123, Laws of 1909 and RCW 16.28.090; repealing section 10, chapter 23, Laws of 1905 and RCW 16.28.100; repealing section 14, chapter 23, Laws of 1905 and RCW 16.28.110; repealing section 11, chapter 23, Laws of 1905, section 2, chapter 123, Laws of 1909 and RCW 16.28.120; repealing section 12, chapter 23, Laws of 1905 and RCW 16.28.130; repealing section 6, chapter 23, Laws of 1905 and RCW 16.28.140; repealing section 15, chapter 23, Laws of 1905 and RCW 16.28.150; and prescribing an effective date.

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

Section 1. Section 23, chapter 122, Laws of 1963 as amended by section 2, chapter 76, Laws of 1969 ex. sess. and RCW 15.17.230 are each amended to read as follows:

For the purpose of this chapter the state shall be divided into ~~((the following))~~ not less than four horticulture inspection districts to which the director may assign one or more inspectors-at-large who as a representative of the director shall supervise and administer regulatory and inspection affairs of the districts:

- ~~((District One: — Walla Walla, Columbia, Garfield, Asotin, Whitman, Benton, Franklin~~
- ~~District Two: — Spokane, Lincoln, Stevens, Ferry, Pend Oreille~~
- ~~District Three: — Adams, Grant~~
- ~~District Four: — Chelan, southern portion of Douglas~~
- ~~District Five: — Yakima, Kittitas, Klickitat, Skamania~~
- ~~District Six: — Clark, Cowlitz, Wahkiakum~~
- ~~District Seven: — Lewis, Pacific, Thurston, Mason, Grays Harbor~~
- ~~District Eight: — Pierce, Kitsap, Jefferson, Clallam~~
- ~~District Nine: — King~~
- ~~District Ten: — Whatcom, Snohomish, San Juan, Skagit, Island~~
- ~~District Eleven: — Okanogan, northern portion of Douglas))~~

PROVIDED, That for purposes of efficiency and economy the director may by rule promulgated in accordance with the Administrative Procedure Act establish or adjust district boundaries or abolish any district: PROVIDED, HOWEVER, That there shall be at least ((six)) four districts in existence at all times.

Sec. 2. Section 2, chapter 256, Laws of 1961 and RCW 15.65.020 are each amended to read as follows:

The following terms are hereby defined:

(1) "Director" means the director of agriculture of the state of Washington or his duly appointed representative. The phrase "director or his designee" means the director unless, in the provisions of any marketing agreement or order, he has designated an administrator, board or other designee to act for him in the matter designated, in which case "director or his designee" means for such order or agreement the administrator, board or other person(s) so designated and not the director.

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

(3) "Marketing order" means an order issued by the director pursuant to this chapter.

(4) "Marketing agreement" means an agreement entered into and issued by the director pursuant to this chapter.

(5) "Agricultural commodity" means any distinctive type of agricultural, horticultural, viticultural, floricultural, vegetable or animal product, either in its natural or processed state, including bees and honey but not including timber or timber products. The director is hereby authorized to determine (on the basis of common usage and practice) what kinds, types or sub-types should be classed together as an agricultural commodity for the purposes of this chapter.

(6) "Production area" and "marketing area" means any area defined as such in any marketing order or agreement in accordance with RCW 15.65.350. "Affected area" means the marketing or production area so defined in such order, agreement or proposal.

(7) "Unit" of an agricultural commodity means a unit of volume, weight, quantity, or other measure in which such commodity is commonly measured. The director shall designate in each marketing order and agreement the unit to be used therein.

(8) "Affected unit" means in the case of marketing agreements and orders drawn on the basis of a production area, any unit of the commodity specified in or covered by such agreement or order which is produced in such area and sold or marketed or delivered for sale or marketing; and "affected unit" means, in the case of marketing agreements and orders drawn on the basis of marketing area, any unit of the commodity specified in or covered by such agreement or order which is sold or marketed or delivered for sale or marketing within such marketing area: PROVIDED, That in the case of marketing agreements "affected unit" shall include only those units which are produced by producers or handled by handlers who have assented to such agreement.

(9) "Affected commodity" means that part or portion of any agricultural commodity which is covered by or forms the subject matter of any marketing agreement or order or proposal, and includes all affected units thereof as herein defined and no others.

(10) "Producer" means any person engaged in the business of producing any agricultural commodity for market in commercial quantities. "Affected producer" means any producer of an affected commodity. "To produce" means to act as a producer. For the purposes of RCW 15.65.140 and 15.65.160 as now or hereafter amended "producer" shall include bailees who contract to produce or grow any agricultural product on behalf of a bailor who retains title to the seed and its resulting agricultural product or the agricultural product delivered for further production or increase.

(11) "Handler" means any person who acts, either as principal, agent or otherwise, in processing, selling, marketing or distributing an agricultural commodity which was not produced by him. "Affected handler" means any handler of an affected commodity. "To handle" means to act as a handler.

(12) "Producer-handler" means any person who acts both as a producer and as a handler with respect to any agricultural commodity. A producer-handler shall be deemed to be a producer with respect to the agricultural commodities which he produces, and a handler with respect to the agricultural commodities which he handles, including those produced by himself.

(13) "Cooperative association" means any incorporated or unincorporated association of producers which conforms to the qualifications set out in the act of congress of the United States of February 18, 1922 as amended, known as the "Capper-Volstead Act" and which is engaged in making collective sales or in marketing any agricultural commodity or product thereof or in rendering service for or advancing the interests of the producers of such commodity on a nonprofit cooperative basis.

(14) "Member of a cooperative association" means any producer who markets his product through such cooperative association and who is a voting stockholder of or has a vote in the control of or is a party to a marketing agreement with such cooperative association with respect to such product.

(15) "Producer marketing" or "marketed by producers" means any or all operations performed by any producer or cooperative association of producers in preparing for market and marketing, and shall include: (a) selling any agricultural commodity produced by such producer(s) to any handler; (b) delivering any such commodity or otherwise disposing of it for commercial purposes to or through any handler.

(16) "Commercial quantities" as applied to producers and/or production means such quantities per year (or other period of time) of an agricultural commodity as the director finds are not less than the minimum which a prudent man engaged in agricultural production would produce for the purpose of making such quantity of such commodity a substantial contribution to the economic operation of the farm on which such commodity is produced. "Commercial quantities" as applied to handlers and/or handling means such quantities per year (or other period of time) of an agricultural commodity or product thereof as the director finds are not less than the minimum which a prudent man engaged in such handling

would handle for the purpose of making such quantity a substantial contribution to the handling operation in which such commodity or product thereof is so handled. In either case the director may in his discretion: (a) determine that substantial quantity is any amount above zero; and (b) apply the quantity so determined on a uniform rule applicable alike to all persons which he finds to be similarly situated.

(17) "Commodity board" means any board established pursuant to RCW 15.65.220. "Board" means any such commodity board unless a different board is expressly specified.

(18) "Sell" includes offer for sale, expose for sale, have in possession for sale, exchange, barter or trade.

(19) "Section" means a section of this chapter unless some other statute is specifically mentioned. The present includes the past and future tenses, and the past or future the present. The masculine gender includes the feminine and neuter. The singular number includes the plural and the plural includes the singular.

(20) "Represented in a referendum" means that a written document evidencing approval or assent or disapproval or dissent is duly and timely filed with or mailed to the director by or on behalf of an affected producer and/or a volume of production of an affected commodity in a form which the director finds meets the requirements of this chapter.

(21) "Person" as used in this chapter shall mean any person, firm, association or corporation.

Sec. 3. Section 14, chapter 256, Laws of 1961 and RCW 15.65.140 are each amended to read as follows:

No marketing order or amendment thereto directly affecting producers or producer marketing shall be issued unless the director determines (in accordance with any of the procedures described at RCW 15.65.160) that the issuance of such order or amendment is assented to or favored by producers who during a representative period determined by the director constituted either (1) at least sixty-five percent by numbers and at least fifty-one percent by volume of production of the producers who have been engaged within the area of production specified in such marketing order in the production for market of the commodity specified therein, or who during such representative period have been engaged in the production of such commodity for marketing in the marketing area specified in such marketing order, or (2) at least fifty-one percent by numbers and at least sixty-five percent by volume of production of such producers: PROVIDED, That producers shall be deemed to have assented to or approved a proposed amendment order if sixty percent or more by number and sixty percent or more by volume of those replying assent or approve the proposed order in a referendum.

Sec. 4. Section 16, chapter 256, Laws of 1961 and RCW 15.65.160 are each amended to read as follows:

After publication of his final decision, the director shall ascertain (either by written agreement in accordance with subdivision (1) of this section or by referendum in accordance with subdivision (2) of this section) whether the above specified percentages of producers and/or handlers assent to or approve any proposed order, amendment or termination, and for such purpose:

(1) The director may ascertain whether assent or approval by the percentages specified in RCW 15.65.140, 15.65.150 or 15.65.190 (whichever is applicable) have been complied with by written agreement, and the requirements of assent or approval shall, in such case, be held to be complied with, if of the total number of affected producers or affected handlers and the total volume of production of the affected commodity or product thereof, the percentages evidencing assent or approval are equal to or in excess of the percentages specified in said sections; or

(2) The director may conduct a referendum among producers and the requirements of assent or approval shall be held to be complied with if of the total number of producers and the total volume of production represented in such referendum the percentage assenting to or favoring is equal to or in excess of the percentage specified in RCW 15.65.140, 15.65.150 or 15.65.190 (whichever is applicable) as now or hereafter amended: PROVIDED, That thirty percent of the affected producers producing thirty percent by volume of the affected commodity have been represented in ((the)) a referendum to determine assent or approval of the issuance of a marketing order: PROVIDED FURTHER, That a marketing order shall not become effective when the provisions of subdivision (3) of this section are used unless sixty-five percent by number of the affected producers producing fifty-one percent by volume of the affected commodity or fifty-one percent by number of the affected producers producing sixty-five percent by volume of the affected commodity approve such marketing order;

(3) The director shall consider the assent or dissent or the approval or disapproval of any cooperative marketing association authorized by its producer members either by a majority vote of those voting thereon or by its articles of incorporation or by its bylaws or by any marketing or other agreement to market the affected commodity for such members or to act for them in any such referendum as being the assent or dissent or the approval or disapproval of the producers who are members of or stockholders in or under contract with such cooperative association of producers: PROVIDED, That the association shall first determine that a majority of its affected producers authorizes its action concerning the specific marketing order.

Sec. 5. Section 25, chapter 256, Laws of 1961 and RCW 15.65.250 are each amended to read as follows:

For the purpose of nominating candidates to be voted upon for election to such board memberships, the director shall call separate meetings of the affected producers and handlers and in case elections shall be by districts he shall call separate meetings for each district. However, at the inception any marketing agreement or order nominations may be at the issuance hearing. Nomination meetings shall be called annually and at least thirty days in advance of the date set for the election of board members. Notice of every such meeting shall be published in a newspaper of general circulation within the affected area defined in the order or agreement not less than ten days in advance of the date of such meeting and in addition, written notice of every such meeting shall be given to all affected producers and/or handlers according to the list thereof maintained by the director pursuant to RCW 15.65.200. However, if the agreement or order provides for election by districts such written notice need be given only to the producers or handlers residing in or whose principal place of business is within such district.

Nonreceipt of notice by any interested person shall not invalidate proceedings at such meetings. Any qualified person may be nominated orally for membership upon such board at the said meetings. Nominations may also be made within five days after any such meeting by written petition filed with the director signed by not less than five producers or handlers, as the case may be, entitled to have participated in said meeting.

When only one nominee is nominated for any position on the board the director shall deem that said nominee satisfies the requirements of the position and then it shall be deemed that said nominee has been duly elected.

Sec. 6. Section 15.66.010, chapter 11, Laws of 1961 and RCW 15.66.010 are each amended to read as follows:

For the purposes of this chapter:

(1) "Director" means the director of agriculture of the state of Washington or any qualified person or persons designated by the director of agriculture to act for him concerning some matter under this chapter.

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

(3) "Marketing order" means an order issued by the director pursuant to this chapter.

(4) "Agricultural commodity" means any distinctive type of agricultural, horticultural, viticultural, vegetable, and/or animal product within its natural or processed state, including bees and honey but not including timber or timber products. The director is authorized to determine what kinds, types or subtypes should be classed together as an agricultural commodity for the purposes of this chapter.

(5) "Producer" means any person engaged in the business of producing or causing to be produced for market in commercial quantities any agricultural commodity. For the purposes of RCW 15.66.060, 15.66.090, and 15.66.120, as now or hereafter amended "producer" shall include bailees who contract to produce or grow any agricultural product on behalf of a bailor who retains title to the seed and its resulting agricultural product or the agricultural product delivered for further production or increase.

(6) "Affected producer" means any producer of an affected commodity.

(7) "Affected commodity" means any agricultural commodity for which the director has established a list of producers pursuant to RCW 15.66.060.

(8) "Commodity commission" or "commission" means a commission formed to carry out the purposes of this chapter under a particular marketing order concerning an affected commodity.

(9) "Unit" means a unit of volume, quantity or other measure in which an agricultural commodity is commonly measured.

(10) "Unfair trade practice" means any practice which is unlawful or prohibited under the laws of the state of Washington including but not limited to Titles 15, 16 and 69 RCW and chapters 9.16, 19.24, 19.77, 19.80, 19.84, 19.89, 19.90, and 19.83 RCW, or any practice, whether concerning interstate or intrastate commerce that is unlawful under the provisions of the act of Congress of the United States, September 26, 1914, chapter 311, section 5, 38 U.S. Statutes at Large 719 as

amended, known as the "Federal Trade Commission Act of 1914", or the violation of or failure accurately to label as to grades and standards in accordance with any lawfully established grades or standards or labels.

(11) "Person" includes any individual, firm, corporation, trust, association, partnership, society, or any other organization of individuals.

(12) "Cooperative association" means any incorporated or unincorporated association of producers which conforms to the qualifications set out in the act of Congress of the United States, Feb. 18, 1922, chapter 57, sections 1 and 2, 42 U.S. Statutes at Large 388 as amended, known as the "Capper-Volstead Act" and which is engaged in making collective sales or in marketing any agricultural commodity or product thereof or in rendering service for or advancing the interests of the producers of such commodity on a nonprofit cooperative basis.

(13) "Member of a cooperative association" or "member" means any producer of an agricultural commodity who markets his product through such cooperative association and who is a voting stockholder of or has a vote in the control of or is under a marketing agreement with such cooperative association with respect to such product.

Sec. 7. Section 15.66.060, chapter 11, Laws of 1961 as amended by section 1, chapter 66, Laws of 1969 and RCW 15.66.060 are each amended to read as follows:

Upon receipt of a petition for the issuance, amendment, or termination of a marketing order, the director shall establish a list of producers of the agricultural commodity affected or make any such existing list current. In establishing or making current such a list of producers and their individual production, the director shall publish a notice to producers of the commodity to be affected requiring them to file with the director a ~~((certified))~~ report showing the producer's name, mailing address, and the yearly average quantity of the affected commodity produced by him in the ~~((five))~~ three years preceding the date of the notice or in such lesser time as the producer has produced the commodity in question. Such information as to production may also be accepted from other valid sources if readily available. The notice shall be published once a week for four consecutive weeks in such newspaper or newspapers, including a newspaper or newspapers of general circulation within the affected areas, as the director may prescribe, and shall be mailed to all affected producers on record with the director. All reports shall be filed with the director within twenty days from the last date of publication of the notice or within thirty days after the mailing of the notice to affected producers, whichever is the later. The director shall keep such lists at all times as current as possible and may require information from affected producers at various times in accordance with rules and regulations prescribed by the director: PROVIDED, That any commission established under the provisions of this chapter may at its discretion prior to any election for ~~((members of))~~ any purpose by such commission carry out the above stated mandate to the director for establishing a list of producers and their individual production, and supply the director with a current list of all producers subject to the provisions of the marketing order under which it was formed.

Such producer list shall be final and conclusive in making determinations relative to the assent by producers upon the issuance, amendment or termination of a marketing order and in elections under the provisions of this chapter.

The director shall then notify affected producers, so listed, by mail that the public hearing affording opportunity for them to be heard upon the proposed issuance, amendment, or termination of the marketing order will be heard at the time and place stated in the notice. Such notice of the hearing shall be given not less than ten days nor more than sixty days prior to the hearing.

Sec. 8. Section 15.66.090, chapter 11, Laws of 1961 and RCW 15.66.090 are each amended to read as follows:

After the issuance by the director of the final decision approving the issuance, amendment, or termination of a marketing order, the director shall determine by a referendum whether the affected producers assent to the proposed action or not. The director shall conduct the referendum among the affected producers based on the list as provided for in RCW 15.66.060, and the affected producers shall be deemed to have assented to the proposed issuance or termination order if fifty-one percent or more by number reply to the referendum within the time specified by the director, and if, of those replying, sixty-five percent or more by number and fifty-one percent or more by volume assent to the proposed order. The producers shall be deemed to have assented to the proposed amendment order if sixty percent or more by number and sixty percent or more by volume of those replying assent to the proposed order. The determination by volume shall be made on the basis of volume as determined in the list of affected producers created under provisions of RCW 15.66.060, subject to rules and regulations of the director for such determination. The director shall consider the approval or disapproval of any cooperative marketing association authorized by its producer members to act for them in any such referendum, as being the approval or disapproval of the producers who are members of or stockholders in or under contract with such association of cooperative producers: PROVIDED, That the association shall first determine that a majority of the membership of the association authorize its action concerning the specific marketing order. If the requisite assent is given, the director shall promulgate the order and shall mail notices of the same to all affected producers.

Sec. 9. Section 15.66.120, chapter 11, Laws of 1961 and RCW 15.66.120 are each amended to read as follows:

Not less than ninety days nor more than one hundred and five days prior to the beginning of each term of each elected commission member, the director shall give notice by mail to all affected producers of the vacancy and call for nominations in accordance with this section and with the provisions of the marketing order and shall give notice of the final date for filing nominations, which shall not be less than eighty days nor more than eighty-five days before the beginning of such term. Such notice shall also advise that nominating petitions shall be signed by five persons qualified to vote for such candidates or, if the number of nominating signers is provided for in the marketing order, such number as such order provides.

Not less than sixty days nor more than seventy-five days prior to the commencement of such commission member term, the director shall submit by mail

ballots to all affected producers, which ballots shall be required to be returned to the director not less than thirty days prior to the commencement of such term. Such mail ballot shall be conducted in a manner so that it shall be a secret ballot. With respect to the first commission for a particular commodity, the director may call for nominations in the notice of his decision following the hearing and the ballot may be submitted at the time the director's proposed order is submitted to the affected producers for their assent.

Said elected members may be elected from various districts within the area covered by the marketing order if the order so provides, with the number of members from each district to be in accordance with the provisions of the marketing order.

The members of the commission not elected by the affected producers shall be elected by a majority of the commission at a meeting of the commission within ninety days prior to expiration of the term but to fill nonelective vacancies caused by other reasons than the expiration of a term, the new member shall be elected by the commission at its first meeting after the occurrence of the vacancy.

When only one nominee is nominated for any position on the commission, the director shall deem that said nominee satisfies the requirements of the position and then it shall be deemed that said nominee has been duly elected.

Sec. 10. Section 15.66.130, chapter 11, Laws of 1961 as amended by section 3, chapter 112, Laws of 1972 ex. sess. and RCW 15.66.130 are each amended to read as follows:

Each commodity commission shall hold such regular meetings as the marketing order may prescribe or that the commission by resolution may prescribe, together with such special meetings that may be called in accordance with provisions of its resolutions upon reasonable notice to all members thereof. A majority of the members shall constitute a quorum for the transaction of all business of the commission. In the event of a vacancy in an elected or appointed position on the commission, the remaining elected members of the commission shall select a qualified person to fill the unexpired term.

No member of the commission shall receive any salary or other compensation from the commission except that each member shall receive a specified sum as provided in the marketing order not in excess of ~~((twenty))~~ thirty-five dollars per day for each day spent in actual attendance at or traveling to and from meetings of the commission or on special assignments for the commission, together with subsistence and traveling expense at the rate allowed by law to state employees.

Sec. 11. Section 8, chapter 61, Laws of 1961 and RCW 15.76.170 are each amended to read as follows:

There is hereby created a fairs commission to consist of the director of agriculture as ex officio member and chairman, and seven members appointed by the director to be persons who are interested in fair activities; at least three of whom shall be from the east side of the Cascades and three from the west side of the Cascades and one member at large. The first appointment shall be: Three for a one year term, two for a two year term, and two for a three year term, and thereafter the appointments shall be for three year terms.

Appointed members of the commission shall receive ~~((twenty))~~ thirty-five dollars per diem for each day actually spent on commission business plus actual

travel expense payable on proper vouchers submitted to and approved by the director, and payable from that portion of the state fair fund set aside for administrative costs under this chapter. The commission shall meet at the call of the chairman, but at least annually. It shall be the duty of the commission to act as an advisory committee to the director, to assist in the preparation of the merit rating used in determining allocations to be made to fairs, and to perform such other duties as may be required by the director from time to time.

Sec. 12. Section 15.44.038, chapter 11, Laws of 1961 and RCW 15.44.038 are each amended to read as follows:

A majority of the commission members shall constitute a quorum for the transaction of all business and the performance of all duties of the commission. No member of the commission shall receive any salary or other compensation. Each member shall receive a sum not to exceed ~~((twenty))~~ thirty-five dollars a day for each day spent in actual attendance at or traveling to and from meetings of the commission or when conducting business of the commission as authorized by the commission, together with traveling expenses at the rate allowed by RCW 43.03.050 as now or hereafter amended.

Sec. 13. Section 1, chapter 31, Laws of 1951 and RCW 16.13.010 are each amended to read as follows:

It shall be unlawful for the owner of any ~~((horse, mule or ass to permit such animal))~~ horses, mules, donkeys, or cattle of any age to permit such animals to run at large and not under the care of a herder: PROVIDED, That such animals may run at large upon lands belonging to the state or to the United States when the owner thereof has in writing been granted grazing privileges, and has filed a copy of such permit or certificate with the director of agriculture: PROVIDED FURTHER, That cattle of any age may run at large in a range area as provided in chapter 16.24 RCW without a herder.

Sec. 14. Section 2, chapter 31, Laws of 1951 and RCW 16.13.020 are each amended to read as follows:

Any ~~((horse, mule or ass))~~ horses, mules, donkeys, or cattle of any age running at large in violation of RCW 16.13.010 ((is)) as now or hereafter amended are declared to be a public nuisance, and shall be impounded by the sheriff of the county where found.

Sec. 15. Section 3, chapter 31, Laws of 1951 and RCW 16.13.030 are each amended to read as follows:

Upon taking custody of any animal, the sheriff shall cause it to be transported to and impounded at the nearest ~~((community))~~ public livestock ((sales yard)) market licensed under ((chapter 16.64 RCW)) chapter 16.65 RCW or at such place as approved by the director. The sheriff shall forthwith notify the nearest brand inspector of the department of agriculture, who shall examine the animal and by brand, tattoo, or other identifying characteristic, shall attempt to ascertain the ownership thereof.

Sec. 16. Section 4, chapter 31, Laws of 1951 and RCW 16.13.040 are each amended to read as follows:

The brand inspector shall cause to be published once in a newspaper published in the county where the animal was found, a notice of the impounding.

The notice shall state:

- (1) A description of the animal, including brand, tattoo or other identifying characteristics;
- (2) When and where found;
- (3) Where impounded; and
- (4) That if unclaimed, the animal will be sold at a ~~((community))~~ public livestock market sale, and the date of such sale: PROVIDED, That if no newspaper shall be published in such county, copies of the notice shall be posted at four commonly frequented places therein.

If the animal is marked with a brand or tattoo which is registered with the director of agriculture, the brand inspector, on or before the date of publication or posting, shall send a copy of the notice to the owner of record by registered mail.

Sec. 17. Section 6, chapter 31, Laws of 1951 and RCW 16.13.060 are each amended to read as follows:

If no person shall claim the animal within ten days after the date of publication or posting of the notice, it shall be sold at the next succeeding ~~((community))~~ public livestock market sale to be held at the sales yard where impounded.

Sec. 18. Section 3, chapter 139, Laws of 1959 as last amended by section 2, chapter 182, Laws of 1971 ex. sess. and RCW 20.01.030 are each amended to read as follows:

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: PROVIDED, That such associations or federations may purchase up to fifteen percent of their gross from nonmembers for the purpose of filling orders: PROVIDED FURTHER, That if such cooperative or association acts as a processor as defined in ~~((section 14(2) of this 1971 amendatory act))~~ RCW 20.01.500(2) and markets such processed agricultural crops on behalf of the grower or its own behalf, said association or federation shall be subject to the provisions of RCW 20.01.500 through 20.01.560 and the license provision of this chapter excluding bonding provisions: PROVIDED FURTHER, That none of the foregoing exemptions in this subsection shall apply to any such cooperative or federation dealing in or handling grain in any manner, and not licensed under the provisions of chapter 22.09 RCW.

(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 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.

(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.

(9) Any producer who purchases less than fifteen percent of his volume to fill orders.

Sec. 19. Section 1, chapter 124, Laws of 1963 as last amended by section 1, chapter 65, Laws of 1971 and RCW 22.09.010 are each amended to read as follows:

For the purpose of this chapter:

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

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

(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, and in the case of hay any yard or other enclosure within five miles thereof: 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 or

any person whose agricultural commodity has been sold to or is under control of the warehouseman for selling, processing, or handling for compensation, whether or not such commodity is in the warehouse.

(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) "Scale weight 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. 20. Section 3, chapter 124, Laws of 1963 and RCW 22.09.030 are each amended to read as follows:

It shall be unlawful for any person to operate a warehouse without first having obtained an annual license from the department: PROVIDED, That this chapter shall not apply to warehouses that are federally licensed under the provisions of 7 USC 241 et seq. for the handling and storage of agricultural commodities. A separate license shall be required for each warehouse a person intends to operate: PROVIDED, That any person operating two or more warehouses which constitute a station may license such warehouses under one state license. All the assets of a given station, licensed under one state license, shall be subject to all the liabilities of that station and for the purposes of this chapter shall be treated as a single warehouse, requiring all the stocks and obligations of the warehouses at a given station to be treated as a unit for all purposes including, but not limited to, issuance of warehouse receipts and receipt and delivery of commodities for storage, shipment, or handling.

Sec. 21. Section 4, chapter 124, Laws of 1963 and RCW 22.09.040 are each amended to read as follows:

Application for a license to operate a warehouse under the provisions of this chapter shall be on a form prescribed by the department and shall include:

(1) The full name of the person applying for the license and whether the applicant is an individual, partnership, association, corporation or other;

(2) The full name of each member of the firm or partnership, or the names of the officers of the company, society, cooperative association, or corporation;

(3) The principal business address of the applicant in the state and elsewhere;

(4) The name or names of the person or persons authorized to receive and accept service of summons and legal notices of all kinds for the applicant;

(5) The location of each warehouse the applicant intends to operate and the preponderate commodity expected in storage;

(6) The bushel storage capacity of each such warehouse to be licensed, including a schematic diagram accurately showing the areas of storage and floor plan of the warehouse;

(7) The schedule of fees to be charged at each warehouse for the handling, storage, and shipment of all commodities during the licensing period;

(8) A financial statement to determine the net worth of the applicant to determine whether or not the applicant meets the minimum net worth requirements established by the director pursuant to chapter 34.04 RCW;

(9) Whether the application is for a station, terminal, or public warehouse license;

(10) Any other reasonable information the department finds necessary to carry out the purpose and provisions of this chapter.

Sec. 22. Section 6, chapter 124, Laws of 1963 and RCW 22.09.060 are each amended to read as follows:

No license shall be issued to an applicant before a bond as provided in RCW 22.09.090 and a certificate of insurance as provided in RCW 22.09.110 have been filed with the department ~~((, or, as to bond requirements under RCW 22.09.090 proof of filing of a bond with the United States secretary of agriculture as required by the United States Warehouse Act (7 USCA § 241 et seq.). Proof of such filing with the United States secretary of agriculture shall be by filing a certified copy of such bond with the department)).~~

Sec. 23. Section 9, chapter 124, Laws of 1963 as amended by section 2, chapter 132, Laws of 1969 ex. sess. and RCW 22.09.090 are each amended to read as follows:

(1) Before any person shall be granted a license pursuant to the provisions of this chapter such person shall give a bond to the state of Washington executed by the warehouseman as principal and by a corporate surety licensed to do business in this state as surety. The bond shall be in the sum of not less than ~~((ten))~~ twenty-five thousand dollars nor more than ~~((two))~~ five hundred thousand dollars. The department shall, after holding a public hearing, determine the amount of the bond which shall be computed at a rate of not less than ~~((ten))~~ fifteen cents nor more than ~~((twenty-five))~~ thirty cents per bushel multiplied by the number of bushels of licensed commodity storage capacity of the warehouses of the licensee furnishing the bond, or at the rate of not less than six percent nor more than twelve percent of the gross sales of agricultural commodities of such licensee, whichever is greater. ~~((The department shall, in determining the rate per bushel in fixing the amount of the bond, take into consideration the bonding requirements of the United States Warehouse Act (7 USCA § 241 et seq.);))~~

(2) The bond shall be approved by the department and shall be conditioned upon the faithful performance by the warehouseman of the duty to keep in the warehouse for the depositor the commodity delivered, and to deliver the commodity to, or ship it for, such depositor, and such additional obligations, including merchandising, as a warehouseman may assume with the respective depositors ~~((of commodities in such warehouse))~~ as defined in RCW 22.09.010(9) as now or hereafter amended. In case a person has applied for licenses to conduct two or more warehouses in the state, the assets applicable to all warehouses, but not the deposits except in case of a station, shall be subject to the liabilities of each. The total and aggregate liability of the surety for all claims upon such bond shall be limited to the amount specified in the bond.

(3) The warehouseman may give a single bond meeting the requirements of this chapter, and all warehouses operated by the warehouseman shall be deemed as one warehouse for the purpose of the bond required under such section. Any

change in the capacity of a warehouse or installation of any new warehouse involving a change in bond liability under this chapter shall be immediately reported to the department prior to the operation thereof.

~~(4) (If a bond has been filed with, and approved by, the department of agriculture of the United States, as required by the United States Warehouse Act (7 USCA § 241 et seq.), then such bond shall be considered as in lieu of the bond required by this section only when:~~

~~(a) Satisfactory proof of the filing and approval of the bond is filed with the department;~~

~~(b) The surety is a corporation authorized to do business as a surety in this state.~~

~~(5) The department may when the sum of such surety bond is less than that required in this chapter accept in addition thereto a surety bond whose sum when added to the sum of the surety bond filed with the United States department of agriculture shall satisfy the requirement of this chapter.~~

~~(6))~~ Notwithstanding any other provisions of this chapter, the license of a warehouseman shall automatically be suspended in accordance with the provisions of RCW 22.09.100 for failure at any time to have or to maintain a bond in the amount and type required herein. The department shall remove the suspension or issue a license as the case may be, when the required bond has been obtained.

~~((7))~~ (5) Any warehouseman required to submit a bond to the department pursuant to the provisions of this chapter shall have the option to file a policy of insurance with the department in lieu of the warehouseman's bond. Such insurance policy, before being accepted, shall be approved by the attorney general and the insurance commissioner of the state of Washington if they deem the coverage provided thereby is equivalent to or greater than the coverage for depositors provided by the warehouseman's bond. If such an insurance policy is accepted in place of the bond, such insurance policy, as between the department, warehouseman, and the depositors, shall be treated exactly the same as if it were a bond filed with the department. It is the intention of the legislature in this subsection to have the insurance policy replace the bond, as between the department, warehouseman, and the depositors, for all purposes as though the term bond used throughout the several sections of this chapter were to contain instead the term insurance policy.

Sec. 24. Section 18, chapter 124, Laws of 1963 and RCW 22.09.180 are each amended to read as follows:

(1) ((A licensee operating another business in conjunction with, or in proximity to, his warehouse shall keep a complete set of records for all commodities stored. Deposits of commodities for the account of such other business, or for commodities owned by the warehouseman, shall be entered in the books of the warehouse in the same manner as those of other depositors.)) The warehouseman shall maintain current and complete records at all times with respect to all agricultural commodities handled, stored, shipped, or merchandised by him, including commodities owned by him. Such records shall include, but not be limited to, a daily position record showing the total quantity of each kind and class of agricultural commodity received and loaded out and the amount remaining in storage at the

close of each business day, and the warehouseman's total storage obligation for each kind and class of agricultural commodity at the close of each business day.

(2) No warehouse receipt issued by any warehouseman as defined in this chapter and no negotiation, transfer, or pledge of any such receipt shall be defeated by reason of the fact that the goods covered by the receipt were owned, in whole or in part, by the warehouseman at the time the receipt was issued.

(3) Every warehouseman purchasing any agricultural commodity from a depositor thereof shall promptly make and keep for one year a correct record showing in detail the following:

(a) The name and address of the depositor;

(b) The date purchased;

(c) The terms of the sale; and

(d) The quality and quantity purchased by the warehouseman, and where applicable the dockage, tare, grade, size, net weight, or quantity.

(4) An itemized statement of any charges paid by the warehouseman for the account of the depositor.

A copy of such record containing the above matters shall be forwarded to the depositor forthwith.

Sec. 25. Section 29, chapter 257, Laws of 1945 and RCW 69.04.110 are each amended to read as follows:

Whenever the director shall find, or shall have probable cause to believe, that an article subject to this chapter is in intrastate commerce(~~(, which was introduced into such commerce))~~ in violation of (~~(RCW 69.04.350 or 69.04.570, or which is so adulterated or misbranded as to label,))~~ this chapter, and that its embargo under this section is required to protect the consuming or purchasing public from (~~(substantial))~~ injury, or possible injury, he is hereby authorized to affix to such article a notice of its embargo and against its sale in intrastate commerce, without permission given under this chapter. But if, after such article has been so embargoed, the director shall find that such article does not involve a violation of this chapter, such embargo shall be forthwith removed.

Sec. 26. Section 3, chapter 198, Laws of 1963 and RCW 69.04.392 are each amended to read as follows:

(1) Any poisonous or deleterious pesticide chemical, or any pesticide chemical which generally is recognized among experts qualified by scientific training and experience to evaluate the safety of pesticide chemicals as unsafe for use, added to a raw agricultural commodity, shall be deemed unsafe for the purpose of the application of clause (2) of RCW 69.04.210 unless:

(a) A tolerance for such pesticide chemical in or on the raw agricultural commodity has been prescribed pursuant to subsection (2) hereof and the quantity of such pesticide chemical in or on the raw agricultural commodity is within the limits of the tolerance so prescribed; or

(b) With respect to use in or on such raw agricultural commodity, the pesticide chemical has been exempted from the requirement of a tolerance pursuant to subsection (2) hereof.

While a tolerance or exemption from tolerance is in effect for a pesticide chemical with respect to any raw agricultural commodity, such raw agricultural commodity shall not, by reason of bearing or containing any added amount of

such pesticide chemical, be considered to be adulterated within the meaning of clause (1) of RCW 69.04.210.

(2) The regulations promulgated under section 408 of the Federal Food, Drug and Cosmetic Act, as of ~~((the effective date of this amendatory act))~~ July 1, 1975, setting forth the tolerances for pesticide chemicals in or on any raw agricultural commodity, are hereby adopted as the regulations for tolerances applicable to this chapter: PROVIDED, That the director is hereby authorized to adopt by regulation any new or future amendments to such federal regulations for tolerances, including exemption from tolerance and zero tolerances, to the extent necessary to protect the public health. The director is also authorized to issue regulations in the absence of federal regulations and to prescribe therein tolerances for pesticides, exemptions, and zero tolerances, upon his own motion or upon the petition of any interested party requesting that such a regulation be established. It shall be incumbent upon such petitioner to establish, by data submitted to the director, that a necessity exists for such regulation and that the effect of such regulation will not be detrimental to the public health. If the data furnished by the petitioner is not sufficient to allow the director to determine whether such a regulation should be promulgated, the director may require additional data to be submitted and failure to comply with this request shall be sufficient grounds to deny the request of the petitioner for the issuance of such regulation.

(3) In adopting any new or amended tolerances by regulation issued pursuant to this section, the director shall give appropriate consideration, among other relevant factors, to the following: (a) The purpose of this chapter being to promote uniformity of state legislation with the federal act; (b) the necessity for the production of an adequate, wholesome, and economical food supply; (c) the other ways in which the consumer may be affected by the same pesticide chemical or by other related substances that are poisonous or deleterious; and (d) the opinion of experts qualified by scientific training and experience to determine the proper tolerance to be allowed for any pesticide chemical.

Sec. 27. Section 4, chapter 198, Laws of 1963 and RCW 69.04.394 are each amended to read as follows:

(1) A food additive shall, with respect to any particular use or intended use of such additives, be deemed unsafe for the purpose of the application of clause (2)(c) of RCW 69.04.210, unless:

(a) It and its use or intended use conform to the terms of an exemption granted, pursuant to a regulation under subsection (2) hereof providing for the exemption from the requirements of this section for any food additive, and any food bearing or containing such additive, intended solely for investigational use by qualified experts when in the director's opinion such exemption is consistent with the public health; or

(b) There is in effect, and it and its use or intended use are in conformity with a regulation issued or effective under subsection (2) hereof prescribing the conditions under which such additive may be safely used.

While such a regulation relating to a food additive is in effect, a food shall not, by reason of bearing or containing such an additive in accordance with the regulation, be considered adulterated within the meaning of clause (1) of RCW 69.04.210.

(2) The regulations promulgated under section 409 of the Federal Food, Drug and Cosmetic Act, as of ~~((the effective date of this amendatory act))~~ July 1, 1975, prescribing the conditions under which such food additive may be safely used, are hereby adopted as the regulations applicable to this chapter: PROVIDED, That the director is hereby authorized to adopt by regulation any new or future amendments to the federal regulations. The director is also authorized to issue regulations in the absence of federal regulations and to prescribe the conditions under which a food additive may be safely used and exemptions where such food additive is to be used solely for investigational purposes; either upon his own motion or upon the petition of any interested party requesting that such a regulation be established. It shall be incumbent upon such petitioner to establish, by data submitted to the director, that a necessity exists for such regulation and that the effect of such a regulation will not be detrimental to the public health. If the data furnished by the petitioner is not sufficient to allow the director to determine whether such a regulation should be promulgated, the director may require additional data to be submitted and failure to comply with this request shall be sufficient grounds to deny the request of the petitioner for the issuance of such a regulation.

(3) In adopting any new or amended regulations pursuant to this section, the director shall give appropriate consideration, among other relevant factors, to the following: (a) The purpose of this chapter being to promote uniformity of state legislation with the federal act; (b) the probable consumption of the additive and of any substance formed in or on food because of the use of the additive; (c) the cumulative effect of such additive in the diet of man or animals, taking into account any chemically or pharmacologically related substance or substances in such diet; and (d) safety factors which in the opinion of experts qualified by scientific training and experience to evaluate the safety of food additives are generally recognized as appropriate for the use of animal experimentation data.

Sec. 28. Section 6, chapter 198, Laws of 1963 and RCW 69.04.396 are each amended to read as follows:

(1) A color additive shall, with respect to any particular use (for which it is being used or intended to be used or is represented as suitable) in or on food, be deemed unsafe for the purpose of the application of RCW 69.04.231, unless:

(a) There is in effect, and such color additive and such use are in conformity with, a regulation issued under this section listing such additive for such use, including any provision of such regulation prescribing the conditions under which such additive may be safely used;

(b) Such additive and such use thereof conform to the terms of an exemption for experimental use which is in effect pursuant to regulation under this section.

While there are in effect regulations under this section relating to a color additive or an exemption with respect to such additive a food shall not, by reason of bearing or containing such additive in all respects in accordance with such regulations or such exemption, be considered adulterated within the meaning of clause (1) of RCW 69.04.210.

(2) The regulations promulgated under section 706 of the Federal Food, Drug and Cosmetic Act, as of ~~((the effective date of this amendatory act))~~ July 1, 1975, prescribing the use or limited use of such color additive, are hereby adopted as the

regulations applicable to this chapter: PROVIDED, That the director is hereby authorized to adopt by regulation any new or future amendments to the federal regulations. The director is also authorized to issue regulations in the absence of federal regulations and to prescribe therein the conditions under which a color additive may be safely used including exemptions for experimental purposes. Such a regulation may be issued either upon the director's own motion or upon the petition of any interested party requesting that such a regulation be established. It shall be incumbent upon such petitioner to establish, by data submitted to the director, that a necessity exists for such regulation and that the effect of such a regulation will not be detrimental to the public health. If the data furnished by the petitioner is not sufficient to allow the director to determine whether such a regulation should be promulgated, the director may require additional data to be submitted and failure to comply with this request shall be sufficient grounds to deny the request of the petitioner for the issuance of such a regulation.

(3) In adopting any new or amended regulations pursuant to this section, the director shall give appropriate consideration, among other relevant factors, to the following: (a) The purpose of this chapter being to promote uniformity of state legislation with the federal act; (b) the probable consumption of, or other relevant exposure from, the additive and of any substance formed in or on food because of the use of the additive; (c) the cumulative effect, if any, of such additive in the diet of man or animals, taking into account the same or any chemically or pharmacologically related substance or substances in such diet; (d) safety factors which, in the opinion of experts qualified by scientific training and experience to evaluate the safety of color additives for the use or uses for which the additive is proposed to be listed, are generally recognized as appropriate for the use of animal experimentation data; (e) the availability of any needed practicable methods of analysis for determining the identity and quantity of (i) the pure dye and all intermediates and other impurities contained in such color additives, (ii) such additive in or on any article of food, and (iii) any substance formed in or on such article because of the use of such additive; and (f) the conformity by the manufacturer with the established standards in the industry relating to the proper formation of such color additive so as to result in a finished product safe for use as a color additive.

NEW SECTION. Sec. 29. The director or any depositor of any agricultural commodity may bring action upon said bond against both principal and surety in any court of competent jurisdiction to recover the damages caused by any failure to comply with the provisions of this chapter or the rules and regulations adopted hereunder.

NEW SECTION. Sec. 30. If a depositor creditor after notification fails, refuses or neglects to file in the office of the director his verified claim as requested by the director within sixty days from the date of such request, the director shall thereupon be relieved of further duty or action hereunder on behalf of said depositor creditor.

NEW SECTION. Sec. 31. Where by reason of the absence of records, or other circumstances making it impossible or unreasonable for the director to ascertain the names and addresses of all said depositor creditors, the director after exerting

due diligence and making reasonable inquiry to secure said information from all reasonable and available sources, may make demand on said bond on the basis of information then in his possession, and thereafter shall not be liable or responsible for claims or the handling of claims which may subsequently appear or be discovered.

NEW SECTION. Sec. 32. Upon ascertaining all claims and statements in the manner herein set forth, the director may then make demand upon the bond on behalf of those claimants whose statements have been filed, and shall have the power to settle or compromise said claims with the surety company on the bond, and is empowered in such cases to execute and deliver a release and discharge of the bond involved.

NEW SECTION. Sec. 33. Upon the refusal of the surety company to pay the demand the director may thereupon bring an action on the bond in behalf of said depositor creditors. Upon any action being commenced on said bond the director may require the filing of a new bond and immediately upon the recovery in any action on such bond such warehouseman shall file a new bond and upon failure to file the same within ten days in either case such failure shall constitute grounds for the suspension or revocation of his license.

NEW SECTION. Sec. 34. Every warehouseman must pay for agricultural commodities purchased by him at the time and in the manner specified in the contract with the depositor, but if no time is set by such contract, then within thirty days after taking possession for purpose of sale or taking title of such agricultural product.

NEW SECTION. Sec. 35. When a violation has occurred which results in improper payment or nonpayment and a claim is made to the department and the payment is secured through the actions of the department the following charges will be made to the depositor for the action of the department in the matter:

- (1) When reported within thirty days from time of default, no charge.
- (2) When reported thirty days to one hundred eighty days from time of default, five percent.
- (3) When reported after one hundred eighty days from time of default, ten percent.

NEW SECTION. Sec. 36. There is added to chapter 69.04 RCW a new section to read as follows:

The purpose of sections 25, 26, 27, and 28 of this 1975 amendatory act is to promote uniformity of state legislation and regulations with the Federal Food, Drug and Cosmetic Act 21 USC 301 et seq. and regulations adopted thereunder. In accord with such declared purpose any regulation adopted under said federal food, drug and cosmetic act concerning food in effect on July 1, 1975, and not adopted under any other specific provision of sections 25, 26, 27, and 28 of this 1975 amendatory act are hereby deemed to have been adopted under the provision hereof. Further, to promote such uniformity any regulation adopted hereafter under the provisions of the federal food, drug and cosmetic act concerning food and published in the federal register shall be deemed to have been adopted under the provisions of sections 25, 26, 27, and 28 of this 1975 amendatory act in accord with chapter 34.04 RCW as enacted or hereafter amended. The director may,

however, within thirty days of the publication of the adoption of any such regulation under the federal food, drug and cosmetic act give public notice that a hearing will be held to determine if such regulation shall not be applicable under the provisions of sections 25, 26, 27, and 28 of this 1975 amendatory act. Such hearing shall be in accord with the requirements of chapter 34.04 RCW as enacted or hereafter amended.

Sec. 37. Section 15.24.170, chapter 11, Laws of 1961 and RCW 15.24.170 are each amended to read as follows:

Rules, regulations, and orders made by the commission shall be filed with the director and published in a legal newspaper in the cities of Wenatchee and Yakima within five days after being made, and shall become effective (~~five days after filing and publication~~) pursuant to the provisions of RCW 34.04.040.

Sec. 38. Section 15.28.300, chapter 11, Laws of 1961 and RCW 15.28.300 are each amended to read as follows:

Every rule, regulation, or order promulgated by the commission shall be filed with the director, and shall be published in a legal daily newspaper in each of the three districts. All such rules, regulations, or orders shall become effective (~~fifteen days after both filing and publication~~) pursuant to the provisions of RCW 34.04.040.

Sec. 39. Section 15.44.070, chapter 11, Laws of 1961 and RCW 15.44.070 are each amended to read as follows:

Every rule, regulation, or order made by the commission shall be filed with the director and published in two legal newspapers, one east of the Cascade mountains and one west thereof, within ten days after it is promulgated, and shall become effective (~~ten days after filing and publication~~) pursuant to the provisions of RCW 34.04.040.

NEW SECTION. Sec. 40. The following acts or parts of acts are each hereby repealed:

- (1) Section 2, chapter 22, Laws of 1957 and RCW 16.28.010;
- (2) Section 1, chapter 23, Laws of 1905 and RCW 16.28.020;
- (3) Section 2, chapter 23, Laws of 1905 and RCW 16.28.030;
- (4) Section 3, chapter 22, Laws of 1957 and RCW 16.28.040;
- (5) Section 13, chapter 23, Laws of 1905 and RCW 16.28.050;
- (6) Section 4, chapter 23, Laws of 1905, section 1, chapter 31, Laws of 1943 and RCW 16.28.060;
- (7) Section 5, chapter 23, Laws of 1905, section 2, chapter 148, Laws of 1919, section 1, chapter 122, Laws of 1925 ex. sess. and RCW 16.28.070;
- (8) Section 7, chapter 23, Laws of 1905 and RCW 16.28.080;
- (9) Section 8, chapter 23, Laws of 1905 and RCW 16.28.085;
- (10) Section 9, chapter 23, Laws of 1905, section 1, chapter 123, Laws of 1909 and RCW 16.28.090;
- (11) Section 10, chapter 23, Laws of 1905 and RCW 16.28.100;
- (12) Section 14, chapter 23, Laws of 1905 and RCW 16.28.110;
- (13) Section 11, chapter 23, Laws of 1905, section 2, chapter 123, Laws of 1909 and RCW 16.28.120;
- (14) Section 12, chapter 23, Laws of 1905 and RCW 16.28.130;

(15) Section 6, chapter 23, Laws of 1905 and RCW 16.28.140;

(16) Section 15, chapter 23, Laws of 1905 and RCW 16.28.150.

NEW SECTION. Sec. 41. Sections 29 through 35 of this amendatory act shall be added to chapter 22.09 RCW.

**NEW SECTION. Sec. 42. This 1975 amendatory act shall be effective July 1, 1975.*

*Sec. 42. was vetoed, see message at end of chapter.

Passed the Senate April 4, 1975.

Passed the House April 3, 1975.

Approved by the Governor April 11, 1975, with the exception of section 42 which is vetoed.

Filed in Office of Secretary of State April 12, 1975.

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

"I am returning herewith without my approval as to one section Engrossed Substitute Senate Bill No. 2150 entitled:

"AN ACT Relating to agriculture."

The bill makes a number of changes of a housekeeping nature to various sections in the Revised Code of Washington relating to agriculture.

Section 42 sets an effective date for the act of July 1, 1975. Without such a designated date, the act would go into effect ninety days after the adjournment of the present extraordinary session of the Legislature. Since the Legislature has not adjourned, the effect of the July 1, 1975 date is to cut short the ninety-day period during which the people have the right pursuant to Article II, section 1(d) of our Constitution, to subject the measure to referendum. I have serious reservations about the constitutionality of an effective date of this kind, inasmuch as the Constitution provides that an act shall not be subject to referendum if it is necessary for the "immediate preservation of the public peace, health or safety, support of the state government and its existing public institutions." See Article II, section 1(b). This bill does not measure up to that standard of urgency.

With the exception of section 42, which I have vetoed for the foregoing reasons, the remainder of the bill is approved."

CHAPTER 8

[Senate Bill No. 2021]

LOCAL GOVERNMENTS—BUILDING CODE FEES

AN ACT Relating to local government; adding a new section to chapter 96, Laws of 1974 ex. sess. and to chapter 19.27 RCW; and declaring an emergency.

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

NEW SECTION. Section 1. There is added to chapter 96, Laws of 1974 ex. sess. and to chapter 19.27 RCW a new section to read as follows:

Nothing in this chapter shall prohibit a city, town, or county of the state from imposing fees different from those set forth in the state building code.

**NEW SECTION. Sec. 2. 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 immediately.*