

to the educational service districts for the school districts thereof.) The annual amount due and apportionable shall be the amount apportionable for all apportionment credits estimated to accrue to the schools during the apportionment year beginning September first and continuing through August thirty-first. Appropriations made for school districts for each year of a biennium shall be apportioned according to the schedule set forth in this section for the fiscal year starting September 1st of the then calendar year and ending August 31st of the next calendar year. The apportionment from the state general fund for each month shall be an amount which together with the revenues of the current state school fund will equal the amount due and apportionable to the several educational service districts during such month: PROVIDED, That any school district may petition the superintendent of public instruction for an emergency advance of funds which may become apportionable to it but not to exceed ten percent of the total amount to become due and apportionable during the school districts apportionment year. The superintendent of public instruction shall determine if the emergency warrants such advance and if the funds are available therefor. If he determines in the affirmative, he may approve such advance and, at the same time, add such an amount to the apportionment for the educational service district in which the school district is located: PROVIDED, That the emergency advance of funds and the interest earned by school districts on the investment of temporary cash surpluses resulting from obtaining such advance of state funds shall be deducted by the superintendent of public instruction from the remaining amount apportionable to said districts during that apportionment year in which the funds are advanced.

NEW SECTION. Sec. 2. This amendatory act is effective September 1, 1979.

Passed the Senate March 30, 1979.

Passed the House May 31, 1979.

Approved by the Governor June 15, 1979.

Filed in Office of Secretary of State June 15, 1979.

CHAPTER 238

[Substitute Senate Bill No. 2791]

AGRICULTURE

AN ACT Relating to agriculture; amending section 15.44.010, chapter 11, Laws of 1961 and RCW 15.44.010; amending section 15.44.020, chapter 11, Laws of 1961 as last amended by section 1, chapter 136, Laws of 1975 1st ex. sess. and RCW 15.44.020; amending section 15.44.050, chapter 11, Laws of 1961 and RCW 15.44.050; amending section 15.44.060, chapter 11, Laws of 1961 and RCW 15.44.060; amending section 5, chapter 136, Laws of 1975 1st ex. sess. and RCW 15.44.085; amending section 6, chapter 136, Laws of 1975 1st ex. sess. and RCW 15.44.087; amending section 15.44.090, chapter 11, Laws of 1961 as amended by section 4, chapter 136, Laws of 1975 1st ex. sess. and RCW 15.44.090; amending section 12, chapter 165, Laws of 1927 as last amended by section 16, chapter 154, Laws of 1979 and RCW 16.40.060; amending section 27, chapter 201, Laws

of 1975 1st ex. sess. and RCW 69.25.260; amending section 1, chapter 124, Laws of 1963 as last amended by section 19, chapter 7, Laws of 1975 1st ex. sess. and RCW 22.09.010; amending section 4, chapter 124, Laws of 1963 as amended by section 21, chapter 7, Laws of 1975 1st ex. sess. and RCW 22.09.040; amending section 5, chapter 124, Laws of 1963 and RCW 22.09.050; amending section 8, chapter 124, Laws of 1963 and RCW 22.09.080; amending section 13, chapter 124, Laws of 1963 and RCW 22.09.130; amending section 15, chapter 124, Laws of 1963 and RCW 22.09.150; amending section 21, chapter 124, Laws of 1963 and RCW 22.09.210; amending section 29, chapter 124, Laws of 1963 and RCW 22.09.290; amending section 30, chapter 124, Laws of 1963 and RCW 22.09.300; amending section 38, chapter 124, Laws of 1963 and RCW 22.09.380; amending section 55, chapter 124, Laws of 1963 and RCW 22.09.550; amending section 59, chapter 124, Laws of 1963 and RCW 22.09.920; adding new sections to chapter 22.09 RCW; repealing section 15.44.120, chapter 11, Laws of 1961 and RCW 15.44.120; and making an appropriation.

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

Section 1. Section 15.44.010, chapter 11, Laws of 1961 and RCW 15.44.010 are each amended to read as follows:

As used in this chapter:

"Commission" means the Washington state dairy products commission;

To "ship" means to deliver or consign milk or cream to a person dealing in, processing, distributing, or manufacturing dairy products for sale, for human consumption((-)) or industrial or medicinal uses;

"Handler" means one who purchases milk, cream, or skimmed milk for processing, manufacturing, sale, or distribution;

"Dealer" means one who handles, ships, buys, and sells dairy products, or who acts as sales or purchasing agent, broker, or factor of dairy products;

"Processor" means a person who uses milk or cream for canning, drying, manufacturing, preparing, or packaging or for use in producing or manufacturing any product therefrom;

"Producer" means a person who produces milk from cows ((~~or goats~~)) and sells it for human or animal food, or medicinal or industrial uses.

Sec. 2. Section 15.44.020, chapter 11, Laws of 1961 as last amended by section 1, chapter 136, Laws of 1975 1st ex. sess. and RCW 15.44.020 are each amended to read as follows:

There is hereby created a Washington state dairy products commission to be thus known and designated: PROVIDED, That the commission may take actions under the name, "the dairy farmers of Washington". The commission shall be composed of not more than ten members. There shall be one member from each district who shall be a practical producer of dairy products to be elected by such producers, one member shall be a dealer, and one member shall be a producer who also acts as a dealer, and such dealer and producer who acts as a dealer shall be appointed by the director of agriculture, and the director of agriculture shall be an ex officio member without vote.

Sec. 3. Section 15.44.050, chapter 11, Laws of 1961 and RCW 15.44.050 are each amended to read as follows:

The commission shall elect a manager, who is not a member, and fix his compensation; and shall appoint a secretary-treasurer, who shall sign all vouchers and receipts for all moneys received by the commission. The treasurer shall file with the commission a fidelity bond in the sum of ((twenty)) one hundred thousand dollars, executed by a surety company authorized to do business in the state, in favor of the state and the commission, conditioned for the faithful performance of his duties and strict accounting of all funds to the commission.

Sec. 4. Section 15.44.060, chapter 11, Laws of 1961 and RCW 15.44-.060 are each amended to read as follows:

The commission shall have the power and duty to:

(1) Elect a chairman and such other officers as it deems advisable, and adopt, rescind, and amend rules, regulations, and orders for the exercise of its powers, which shall have the effect of law when not inconsistent with existing laws;

(2) Administer and enforce the provisions of this chapter and perform all acts and exercise all powers reasonably necessary to effectuate the purpose hereof;

(3) Employ and discharge advertising counsel, advertising agents, and such attorneys, agents, and employees as it deems necessary, and prescribe their duties and powers and fix their compensation;

(4) Establish offices, incur expenses, enter into contracts, and create such liabilities as are reasonable and proper for the proper administration of this chapter;

(5) Investigate and prosecute violations of this chapter;

(6) Conduct scientific research designed to improve milk production, quality, transportation, processing, and distribution and to develop and discover uses for products of milk and its derivatives;

(7) Make in its name such advertising contracts and other agreements as are necessary to promote the sale of dairy products on either a state, national, or foreign basis;

(8) Keep accurate records of all its dealings, which shall be open to public inspection and audit by the regular agencies of the state; and

(9) Conduct the necessary research to develop more efficient and equitable methods of marketing dairy products, and enter upon, singly or in participation with others, the promotion and development of state, national, or foreign markets.

Sec. 5. Section 5, chapter 136, Laws of 1975 1st ex. sess. and RCW 15-.44.085 are each amended to read as follows:

There is hereby levied on every hundredweight of class I or class II milk, as defined in RCW 15.44.087, sold by a dealer, including any milk sold by a producer who acts as a dealer, an assessment of:

(1) Five-eighths of one cent per hundredweight. Such assessment shall be in addition to the producer assessment paid by any producer who also acts as a dealer.

(2) Any additional assessment, within the power and duty of the commission to levy, such that the total assessment shall not exceed one cent per hundredweight, as required to effectuate the purpose of this section.

Such assessment may be increased by approval of dealers and producers who also act as dealers, subject to the standards set forth in chapter 15.44 RCW (~~(+15.44.130)~~) for increasing or decreasing assessments. The funds derived from such assessment shall be used for educational programs in institutions of learning and the sum of such funds derived annually from said dealers and producers who act as dealers shall be matched by assessments derived from producers for the purpose of funding said educational purposes in institutions of learning by an amount not less than the moneys collected from dealers and producers who act as dealers.

Sec. 6. Section 6, chapter 136, Laws of 1975 1st ex. sess. and RCW 15.44.087 are each amended to read as follows:

For the purpose of RCW 15.44.085, class I and class II milk sold means milk from cows (~~(or goats)~~) produced by a producer as defined in RCW 15.44.010 and utilized as follows:

(1) Class I milk shall be all skim milk and butterfat:

(a) Sold in the form of fluid milk product subject to the following limitations and exceptions:

(i) Any products fortified with added nonfat milk solids shall be class I in an amount equal only to the weight of an equal volume of like unmodified product of the same butterfat content.

(ii) Fluid milk products in concentrated form shall be class I in an amount equal to the skim milk and butterfat used to produce the quantity of such products sold.

(iii) Products classified as class II pursuant to subsection (2) of this section are excepted.

(b) Packaged fluid milk products in inventory at the end of the month.

(2) Class II milk shall be all skim milk and butterfat:

(a) Used to produce ice cream, ice cream mix, frozen desserts, aerated cream products, plastic cream, soured cream dressing, yogurt, eggnog, cottage cheese, pot cheese, bakers cheese, cream cheese, neufchatel cheese, or starter; or

(b) Any milk or milk product, sterilized and either (i) packaged in hermetically sealed metal, plastic, foil, paper, or glass containers and used to produce condensed milk and condensed skim milk, or (ii) in fluid milk products disposed of in bulk to commercial food processing establishments or producer milk sold to a commercial food processing establishment.

Sec. 7. Section 15.44.090, chapter 11, Laws of 1961 as amended by section 4, chapter 136, Laws of 1975 1st ex. sess. and RCW 15.44.090 are each amended to read as follows:

All assessments shall be collected by the first dealer and deducted from the amount due the producer, and all moneys so collected shall be paid to the treasurer of the commission on or before the twentieth day of the succeeding month for the previous month's collections, and deposited by him in banks designated by the commission to the credit of the commission fund. If a dealer or a producer who acts as a dealer fails to remit any (~~moneys so collected~~) assessments, or fails to make deductions for assessments, such sum shall, in addition to penalties provided in this chapter, be a lien on any property owned by him, and shall be reported to the county auditor by the commission, supported by proper and conclusive evidence, and collected in the manner and with the same priority over other creditors as prescribed for the collection of delinquent taxes.

NEW SECTION. Sec. 8. (1) Section 15.44.120, chapter 11, Laws of 1961 and RCW 15.44.120 are each repealed.

(2) Such repeal shall not be construed as affecting any existing right acquired under the statute repealed; nor as affecting any proceeding instituted thereunder, nor any rule, regulation, or order promulgated thereunder; nor any administrative action taken thereunder.

Sec. 9. Section 12, chapter 165, Laws of 1927 as last amended by section 16, chapter 154, Laws of 1979 and RCW 16.40.060 are each amended to read as follows:

If, on the completion of any examination and test as provided in RCW 16.40.010, the inspector or veterinarian making the examination and test, shall believe that the animal is infected with tuberculosis or brucellosis, the owner of the animal shall have, with the approval of the director of agriculture or his representative, the option of indemnity or quarantine; if the owner selects indemnity he shall market the animal within fifteen days from the date of condemnation. All bovine animals which have shown a suspicious reaction to the test on three successive tests for tuberculosis or brucellosis and are held as suspects may be slaughtered under the provisions of this chapter and chapter 16.36 RCW at the option of the owner and approval of the director or his representative and the owner shall have a valid claim for indemnity to the same extent and in the same amount as for bovine animals which give a positive reaction to the above test. The animal or animals shall be slaughtered under the supervision of a veterinary inspector of the department of agriculture, or the United States department of agriculture, animal and plant health inspection service, or a veterinarian duly licensed to practice veterinary medicine, surgery and dentistry in this state. The veterinary inspector or veterinarian shall hold a post mortem examination and determine whether or not the animal shall be passed to be used for food. The post mortem examination must conform with the meat inspection

regulations of the United States department of agriculture, animal and plant health inspection service. Upon the receipt of the post mortem report and if the owner has complied with all lawful health and quarantine laws and regulations, the director of agriculture shall cause to be paid to the owner or owners of the animals an amount not exceeding twenty-five dollars for any grade female, or more than fifty dollars for any purebred registered bull or female, and for dairy breeds an amount not to exceed one hundred dollars for any grade female or more than one hundred fifty dollars for any pure bred registered bull or female or such portion thereof as would represent an equitable and agreed amount of the contribution of the state of Washington as determined by the director of agriculture and in no case shall indemnity and salvage value received exceed eighty percent of the true value, and in no case shall any indemnity be paid for grade bulls, for steers, or spayed females, and the state shall not be required to pay the owner of any animal imported into this state within six months prior to the inspection and tests, the sums hereinabove provided for, but the owner of such animal shall receive the proceeds of the sale of such slaughtered animal: PROVIDED, That within thirty days of the effective date of this 1979 act, the department shall adopt rules and regulations restricting brucellosis indemnity payments to owners of animals in this state: PROVIDED FURTHER, That these rules and regulations shall require compliance with the department's change of ownership testing program and the implementation of an approved brucellosis vaccination program: AND PROVIDED FURTHER, That the right to indemnity shall not exist nor shall payment be made for any animal owned by the United States, this state, or any county, city, town or township in this state: AND PROVIDED FURTHER, That the department shall adopt rules and regulations allowing for retroactive brucellosis indemnity payments for dairy breed females and purebred registered bulls slaughtered pursuant to this section after June 30, 1976, and before August 1, 1978, in an amount that shall not exceed one hundred fifty dollars per animal: AND PROVIDED FURTHER, That the department shall adopt rules and regulations allowing for retroactive brucellosis indemnity payments for dairy breed females and purebred registered bulls slaughtered pursuant to this section after July 31, 1978, and before June 8, 1979, in an amount that shall not exceed seventy-five dollars per animal: PROVIDED FURTHER, That no bovine animal shall be condemned for tuberculosis without having been first subjected to the tuberculin test and a positive reaction has resulted and no bovine animal shall be condemned for brucellosis unless it has been tested and classified as a reactor by the director of agriculture or his duly authorized representative.

Sec. 10. Section 27, chapter 201, Laws of 1975 1st ex. sess. and RCW 69.25.260 are each amended to read as follows:

Any egg handler or dealer may prepay the assessment provided for in RCW 69.25.250 by purchasing Washington state egg seals from the director to be placed on egg containers showing that the proper assessment has been paid. Any carton manufacturer or printer may apply to the director for a permit to place reasonable facsimiles of the Washington state egg seals to be imprinted on egg containers or on the identification labels which show egg grade and size and the name of the egg handler or dealer. The director shall, from time to time, prescribe rules and regulations governing the affixing of seals and he is authorized to cancel any such permit issued pursuant to this chapter, whenever he finds that a violation of the terms under which the permit has been granted has been violated.

NEW SECTION. Sec. 11. To carry out the provisions of section 9 of this 1979 act there is appropriated to the department from the general fund for the biennium ending June 30, 1981, the sum of two hundred sixty thousand dollars, or so much thereof as may be necessary.

Sec. 12. Section 1, chapter 124, Laws of 1963 as last amended by section 19, chapter 7, Laws of 1975 1st ex. sess. and RCW 22.09.010 are each amended to read as follows:

((For the purpose of this chapter:)) The definitions set forth in this section apply throughout this chapter unless the context clearly requires otherwise.

(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))~~ subterminal 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, or (f) within twenty miles of each other but separated by the border between Washington and Idaho or Oregon when the books and records for such station are maintained at the warehouse located in Washington.

(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)))~~ Article 7 of Title 62A 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.

(13) "Subterminal warehouse" means any warehouse which performs an intermediate function in which agricultural commodities are customarily received from dealers rather than producers and where the commodities are accumulated prior to shipment to a terminal warehouse.

(14) "Put through" means agricultural commodities which are deposited in a warehouse for receiving, handling, conditioning, or shipping, and on which the depositor has concluded satisfactory arrangements with the warehouseman for the immediate or impending shipment of the commodity.

Sec. 13. Section 4, chapter 124, Laws of 1963 as amended by section 21, chapter 7, Laws of 1975 1st ex. sess. 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, subterminal, or public warehouse license;

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

Sec. 14. Section 5, chapter 124, Laws of 1963 and RCW 22.09.050 are each amended to read as follows:

Any application for a license to operate a warehouse shall be accompanied by a license fee of one hundred dollars for a terminal warehouse, seventy-five dollars for a subterminal warehouse, and twenty-five dollars for a public warehouse. If a licensee operates more than one warehouse, under one state license as provided for in RCW 22.09.030, the license fee shall be computed by multiplying the number of physically separated warehouses within such station by the applicable terminal, subterminal, or public warehouse license fee. If an application for renewal of a license or licenses is not received by the department prior to June 30th of any year, a penalty of fifty dollars shall be assessed and added to the original fee and shall be paid by the applicant before the renewal license ~~((shall))~~ may be issued. This penalty ~~((shall))~~ does not apply if the applicant furnishes an affidavit certifying

that he has not acted as a warehouseman subsequent to the expiration of his prior license.

Sec. 15. Section 8, chapter 124, Laws of 1963 and RCW 22.09.080 are each amended to read as follows:

The department is authorized to deny, suspend, or revoke a license after a hearing in any case in which it is determined that there has been a violation or refusal to comply with the requirements of this chapter, rules adopted hereunder, or the provisions of ~~((the Uniform Warehouse Receipts Act (chapter 22.04 RCW)))~~ Article 7 of Title 62A RCW as enacted or hereafter amended. All hearings for the denial, suspension, or revocation of a license shall be subject to chapter 34.04 RCW (Administrative Procedure Act) as enacted or hereafter amended.

Sec. 16. Section 13, chapter 124, Laws of 1963 and RCW 22.09.130 are each amended to read as follows:

(1) Every warehouseman shall receive for storage, handling, or shipment, so far as the capacity and facilities of his warehouse will permit, all commodities included in the provisions of this chapter, in suitable condition for storage, tendered him in the usual course of business and shall issue therefor a warehouse receipt or receipts in form prescribed by the department as herein provided or a scale weight ticket. The deposit for storage, shipment, or handling of such commodity must be credited to the depositor in the books of the warehouseman within seven days from the date of such deposit. If the commodity has been graded a warehouse receipt shall be issued within ten days after demand by the owner.

(2) If requested by the depositor, each lot of his commodity shall be kept in a special pile or special bin, if available, but in the case of a bulk commodity, if the lot or any portion of it does not equal the capacity of any available bin, the depositor may exercise his option to require the commodity to be specially binned only on agreement to pay charges based on the capacity of the available bin most nearly approximating the required capacity.

(3) A warehouseman ~~((shall have the right to))~~ may refuse to accept for storage, commodities which are wet, damaged, insect-infested, or in other ways unsuitable for storage.

(4) Terminal and subterminal warehousemen shall receive put through agricultural commodities to the extent satisfactory transportation arrangements can be made, but may not be required to receive agricultural commodities for storage.

Sec. 17. Section 15, chapter 124, Laws of 1963 and RCW 22.09.150 are each amended to read as follows:

(1) The duty of the warehouseman to deliver the commodity stored shall be governed by the provisions of this chapter and the requirements of ~~((the~~

~~Uniform Warehouse Receipts Act (chapter 22.04 RCW)))~~ Article 7 of Title 62A RCW as enacted or hereafter amended. Upon the return of the receipt to the proper warehouseman, properly endorsed, and upon payment or tender of all advances and legal charges, commodities of the grade and quantity named therein shall be delivered to the holder of such receipt, except as provided by ~~((the Uniform Warehouse Receipts Act (chapter 22.04 RCW)))~~ Article 7 of Title 62A RCW as enacted or hereafter amended.

(2) A warehouseman's duty to deliver any commodity is fulfilled if delivery is made pursuant to the contract with the depositor or if no contract exists, then to the several owners in the order of demand as rapidly as it can be done by ordinary diligence; where delivery is made within forty-eight hours excluding Saturdays, Sundays, and legal holidays after facilities for receiving the commodity are provided, such delivery is deemed to comply with this subsection.

(3) No warehouseman shall fail to deliver a commodity as provided in this section, and delivery shall be made at the warehouse or station where the commodity was received unless agreed otherwise.

(4) In addition to being subject to penalties provided in this chapter for a violation of this section, if a warehouseman unreasonably fails to deliver commodities within the time as provided in this section, the person entitled to delivery of the commodity may maintain an action against the warehouseman for any damages resulting from the warehouseman's unreasonable failure to so deliver. In any such action the person entitled to delivery of the commodity has the option to seek recovery of his actual damages or liquidated damages of one-half of one percent of the value for each day's delay after such forty-eight hour period.

Sec. 18. Section 21, chapter 124, Laws of 1963 and RCW 22.09.210 are each amended to read as follows:

It ~~((shall be))~~ is unlawful for any warehouseman to receive in any terminal warehouse any ~~((grain))~~ commodity that has not been weighed, inspected, and/or graded by an employee of the department under the supervision of a duly authorized inspector of the department, or to deliver out of any terminal warehouse any ~~((grain))~~ commodity that has not been weighed, inspected, and/or graded in such manner.

Sec. 19. Section 29, chapter 124, Laws of 1963 and RCW 22.09.290 are each amended to read as follows:

(1) Every warehouse receipt issued for commodities covered by this chapter shall embody within its written or printed terms:

(a) The grade of the commodities received as established by the official standards of this state, unless the identity of the commodity is in fact preserved in a special pile or special bin, and an identifying mark of such pile or bin shall appear on the face of the receipt and on the pile or bin. Such commodity in such special pile or bin shall not be removed or relocated

without canceling the outstanding receipt and issuing a new receipt showing such change;

(b) Such other terms and conditions as required by ~~((the Uniform Warehouse Receipts Act (chapter 22.04 RCW)))~~ Article 7 of Title 62A RCW as enacted or hereafter amended: PROVIDED, That nothing contained therein shall require a receipt issued for wheat to specifically state the variety of wheat by name;

(c) A clause reserving for the warehouseman the optional right to terminate storage and collect outstanding charges against any lot of commodities after June 30th following the date of the receipt.

(2) Warehouse receipts issued under the United States Warehouse Act (7 USCA § 241 et seq.) shall be deemed to fulfill the requirements of this chapter so far as it pertains to the issuance of warehouse receipts.

Sec. 20. Section 30, chapter 124, Laws of 1963 and RCW 22.09.300 are each amended to read as follows:

(1) All warehouse receipts issued under this chapter shall be upon forms prescribed by the department and supplied only to licensed warehousemen at cost of printing, packing, and shipping, as determined by the department. They shall contain the state number of such license and shall be numbered serially for each state number and the original negotiable receipts shall bear the state seal. Requests for such receipts shall be on forms furnished by the department and shall be accompanied by payment to cover cost: PROVIDED, That the department by order may allow a warehouseman to have his individual warehouse receipts printed, after the form of the receipt is approved as in compliance with this chapter, and the warehouseman's printer shall supply an affidavit stating the amount of receipts printed, numbers thereof: PROVIDED FURTHER, That the warehouseman must supply a bond in an amount fixed by the department and not to exceed five thousand dollars to cover any loss resulting from the unlawful use of any such receipts.

(2) All warehouse receipts shall comply with the provisions of ~~((the Uniform Warehouse Receipts Act (chapter 22.04 RCW)))~~ Article 7 of Title 62A RCW as enacted or hereafter amended, except as to the variety of wheat as set forth in RCW 22.09.290(1)(b) herein, and with the provisions of this chapter where not inconsistent or in conflict with ~~((the Uniform Warehouse Receipts Act))~~ Article 7 of Title 62A RCW. All receipts remaining unused shall be confiscated by the department if the license required herein is not promptly renewed or is suspended, revoked, or canceled.

Sec. 21. Section 38, chapter 124, Laws of 1963 and RCW 22.09.380 are each amended to read as follows:

The department may designate a warehouse located at an inspection point as a terminal warehouse. The ~~((cities of Spokane, Pasco, Seattle,~~

~~Tacoma, Longview, Kalama, and Vancouver shall be considered)) department shall, by rule, designate inspection points ((and)) which shall be provided with state/federal inspection and weighing services commencing July 1, ((1963: PROVIDED, That)) 1979. The revenue from inspection and weighing shall equal the cost of providing such services. Where the department after hearing determines that such cities are no longer necessary as inspection points it may by ((regulation)) rule change such designated inspection points by removing one or more ((or by designating other)) locations ((as inspection points where commodities are received and shipped by common carrier and which reasonably justify and render necessary the inspection and weighing thereof: PROVIDED FURTHER, That the revenue from inspection and weighing at such inspection points shall equal the cost of providing such services)).~~

Sec. 22. Section 55, chapter 124, Laws of 1963 and RCW 22.09.550 are each amended to read as follows:

The director may cooperate with and enter into agreements with governmental agencies of this state, other states, agencies of the federal government, and private associations in order to carry out the purpose and provisions of this chapter and the United States Warehouse Act (7 USCA § 241 et seq.) and the United States Grain Standards Act, as amended (7 USCA § 71, et seq.). Notwithstanding any other provision of this chapter such agreements may also relate to a joint program for licensing, bonding, and inspecting stations as defined in RCW 22.09.010(8)(f). Such a program should be designed to avoid duplication of effort on the part of the licensing authority and requirements for operation, and promote more efficient enforcement of the provisions of this chapter and/or comparable provisions of the law of the states of Idaho or Oregon.

Sec. 23. Section 59, chapter 124, Laws of 1963 and RCW 22.09.920 are each amended to read as follows:

Nothing ((herein contained)) in this chapter, with the exception of RCW 22.09.290(1)(b), shall be deemed to repeal, amend, or modify ((the Uniform Warehouse Receipts Act (chapter 22.04 RCW)) Article 7 of Title 62A RCW.

NEW SECTION. Sec. 24. There is added to chapter 22.09 RCW a new section to read as follows:

RCW 22.09.190 does not apply to contracts entered into with a governmental agency, state or federal, for the handling or storage of agricultural commodities.

NEW SECTION. Sec. 25. There is added to chapter 22.09 RCW a new section to read as follows:

Notwithstanding the provisions of chapter 42.17 RCW, the department shall publish annually and distribute to interested parties, a list of licensed

warehouses showing the location, county, capacity, and bond coverage for each company.

NEW SECTION. Sec. 26. There is added to chapter 22.09 RCW a new section to read as follows:

When a station as defined in RCW 22.09.010(8)(f) is licensed pursuant to this chapter, the department may assert any and all the remedies provided for in this chapter, including but not limited to those remedies provided for in RCW 22.09.350. Furthermore, if inspection of that portion of the station located in the contiguous state is refused by the licensee, the department may give notice to the licensee to submit to such inspection as the department may deem necessary.

If such station refuses to comply with the terms of the notice within twenty-four hours, the director may summarily suspend the station's license pending a hearing in compliance with chapter 34.04 RCW.

NEW SECTION. Sec. 27. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

Passed the Senate June 1, 1979.

Passed the House May 12, 1979.

Approved by the Governor June 15, 1979.

Filed in Office of Secretary of State June 15, 1979.

CHAPTER 239

[Engrossed Substitute Senate Bill No. 2976]

CITIES, TOWNS, PUBLIC UTILITY DISTRICTS—CONSUMER ENERGY CONSERVATION ASSISTANCE PROGRAM

AN ACT Relating to energy conservation; adding a new section to chapter 35.92 RCW; adding a new section to chapter 54.16 RCW; creating a new section; and providing an effective date.

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

NEW SECTION. Section 1. The conservation of energy in all forms and by every possible means is found and declared to be a public purpose of highest priority. The legislature further finds and declares that all municipal corporations, quasi municipal corporations, and other political subdivisions of the state which are engaged in the generation, sale, or distribution of energy should be granted the authority to develop and carry out programs which will conserve resources, reduce waste, and encourage more efficient use of energy by consumers.

In order to establish the most effective state-wide program for energy conservation, the legislature hereby encourages any company, corporation, or association engaged in selling or furnishing utility services to assist their