

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 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.

NEW SECTION. Sec. 39. The following acts or parts of acts are each repealed:

(1) Section 15.04.050, chapter 11, Laws of 1961 and RCW 15.04.050;

(2) Section 1, chapter 195, Laws of 1967 and RCW 15.04.130; and

(3) Section 2, chapter 195, Laws of 1967 and RCW 15.04.140.

These repeals shall not be construed as affecting any existing right acquired under the statutes repealed or under any rule, regulation, or order adopted pursuant thereto; nor as affecting any proceeding instituted thereunder.

NEW SECTION. Sec. 40. If any provision of this amendatory 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 April 24, 1981.

Passed the House April 22, 1981.

Approved by the Governor May 19, 1981.

Filed in Office of Secretary of State May 19, 1981.

CHAPTER 297

[Substitute House Bill No. 252]

AGRICULTURAL ACTIVITIES

AN ACT Relating to agriculture; amending section 15.36.110, chapter 11, Laws of 1961 and RCW 15.36.110; amending section 15.36.120, chapter 11, Laws of 1961 and RCW 15.36.120; amending section 15.36.140, chapter 11, Laws of 1961 and RCW 15.36.140; amending section 15.36.290, chapter 11, Laws of 1961 and RCW 15.36.290; amending section 15.36.320, chapter 11, Laws of 1961 and RCW 15.36.320; amending section 22, chapter 63, Laws of 1969 and RCW 15.49.220; amending section 28, chapter 63, Laws of 1969 and RCW 15.49.280; amending section 29, chapter 63, Laws of 1969 and RCW 15.49.290; amending section 31, chapter 63, Laws of 1969 and RCW 15.49.310; amending section 32, chapter 63, Laws of 1969 and RCW 15.49.320; amending section 33, chapter 63, Laws of 1969 as amended by section 1, chapter 154, Laws of 1979 and RCW 15.49.330; amending section 34, chapter 63, Laws of 1969 as amended by section 3, chapter 26, Laws of 1977 ex. sess. and RCW 15.49.340; amending section 35, chapter 63, Laws of 1969 and RCW 15.49.350; amending section 37, chapter 63, Laws of 1969 and RCW 15.49.370; amending section 38, chapter 63, Laws of 1969 and RCW 15.49.380; amending

section 41, chapter 63, Laws of 1969 and RCW 15.49.410; amending section 6, chapter 31, Laws of 1965 ex. sess. as last amended by section 1, chapter 91, Laws of 1979 and RCW 15.53.9018; amending section 23, chapter 22, Laws of 1967 ex. sess. as amended by section 9, chapter 257, Laws of 1975 1st. ex. sess. and RCW 15.54.350; amending section 20, chapter 190, Laws of 1971 ex. sess. and RCW 15.58.200; amending section 22, chapter 190, Laws of 1971 ex. sess. and RCW 15.58.220; amending section 7, chapter 249, Laws of 1961 as amended by section 3, chapter 177, Laws of 1967 and RCW 17.21.070; amending section 11, chapter 249, Laws of 1961 as amended by section 6, chapter 177, Laws of 1967 and RCW 17.21.110; amending section 9, chapter 191, Laws of 1971 ex. sess. as amended by section 4, chapter 92, Laws of 1979 and RCW 17.21.203; amending section 22, chapter 249, Laws of 1961 as last amended by section 7, chapter 191, Laws of 1971 ex. sess. and RCW 17.21.220; amending section 50, chapter 124, Laws of 1963 and RCW 22.09.500; amending section 6, chapter 19, Laws of 1913 as amended by section 2, chapter 34, Laws of 1961 and RCW 23.86.090; amending section 9, chapter 19, Laws of 1913 and RCW 23.86.120; amending section 2, chapter 221, Laws of 1971 ex. sess. and RCW 23.86.210; amending section 3, chapter 221, Laws of 1971 ex. sess. and RCW 23.86.220; amending section 22, chapter 115, Laws of 1921 as amended by section 1, chapter 86, Laws of 1979 and RCW 24.32.300; amending section 15.66.150, chapter 11, Laws of 1961 as amended by section 1, chapter 93, Laws of 1979 ex. sess. and RCW 15.66.150; adding a new section to chapter 17.21 RCW; adding new sections to chapter 43.23 RCW; adding a new section to chapter 70.94 RCW; adding a new section to chapter 90.48 RCW; adding new sections to chapter 23.86 RCW; creating a new section; repealing section 15.36.050, chapter 11, Laws of 1961 and RCW 15.36.050; repealing section 15.52.020, chapter 11, Laws of 1961 and RCW 15.52.020; repealing section 15.52.030, chapter 11, Laws of 1961 and RCW 15.52.030; repealing section 15.52.040, chapter 11, Laws of 1961 and RCW 15.52.040; repealing section 51, chapter 124, Laws of 1963 and RCW 22.09.510; repealing section 16, chapter 19, Laws of 1913 and RCW 23.86.190; making an appropriation; providing an effective date; and declaring an emergency.

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

Section 1. Section 15.36.110, chapter 11, Laws of 1961 and RCW 15.36.110 are each amended to read as follows:

During each six months period at least four samples of milk and cream from each dairy farm and each milk plant shall be taken on separate days and examined by the director: PROVIDED, That in the case of raw milk for pasteurization the director may accept the results of nonofficial laboratories which have been officially checked periodically and found satisfactory. Samples of other milk products may be taken and examined by the director as often as he deems necessary. Samples of milk and milk products from stores, cafes, soda fountains, restaurants, and other places where milk or milk products are sold shall be examined as often as the director may require. Bacterial plate counts, direct microscopic counts, ((~~reduction tests,~~)) coliform determinations, phosphatase tests and other laboratory tests shall conform to the procedures in the current edition of "Standard Methods For The Examination Of Dairy Products," recommended by the American public health association. Examinations may include such other chemical and physical determinations as the director may deem necessary for the detection of adulteration. Samples may be taken by the director at any time prior to the final delivery of the milk or milk products. All proprietors of cafes, stores, restaurants, soda fountains, and other similar places shall furnish the director, upon his request, with the name of all distributors from whom their milk and milk products are obtained. Bio-assays of the vitamin D

content of vitamin D milk shall be made when required by the director in a laboratory approved by him for such examinations.

~~((Whenever the average bacterial count, the average reduction time, or the average cooling temperature, falls beyond the limit for the grade then held, the director shall send written notice thereof to the person concerned and shall take an additional sample, but not before the lapse of three days, for determining a new average in accordance with RCW 15.36.050. PROVIDED, That the three-out-of-four method, as specified in the following paragraph, may be used in lieu of the averaging method provided in RCW 15.36.050 for determining compliance of bacterial plate counts, direct microscopic counts, or cooling temperatures. Violation of the grade requirement by the new average or the three-out-of-four method shall call for immediate degrading or suspension of the permit, unless the last individual result is within the grade limit.~~

~~Whenever more than one of the last four consecutive coliform tests made to determine bacterial count of samples taken on separate days falls beyond the limit for the grade then held, the director shall send written notice thereof to the person concerned and shall take an additional sample but not before the lapse of three days. Immediate degrading or suspension of permit shall be called for if the grade requirements are violated by such additional sample, unless the last individual result is within the grade limit:))~~

If two of the last four consecutive bacterial counts, somatic cell counts, coliform determinations, or cooling temperatures, taken on separate days, exceed the standard for milk or milk products, the director shall send written notice thereof to the person concerned. This notice shall remain in effect so long as two of the last four consecutive samples exceed the limit of the standard. An additional sample shall be taken within twenty-one days of the sending of the notice, but not before the lapse of three days, except sixty days must lapse before an official somatic cell count can be taken. The director shall degrade or suspend the grade A permit whenever the standard is again violated by more than one of the last four consecutive samples.

In case of violation of the phosphatase test requirements, the cause of underpasteurization shall be determined and removed before milk or milk products from this plant can again be sold as pasteurized milk or milk products.

Sec. 2. Section 15.36.120, chapter 11, Laws of 1961 and RCW 15.36.120 are each amended to read as follows:

Grade of milk and milk products as defined in this chapter shall be based on the respectively applicable standards contained in RCW 15.36.120 to 15.36.460, inclusive, the grading of milk products being identical with the grading of milk, ~~((except that the bacterial standards shall be doubled in the case of cream))~~ and omitted in the case of sour cream and buttermilk. Vitamin D milk shall be only of grade A, certified pasteurized, or certified

raw quality. The grade of a milk product shall be that of the lowest grade milk or milk product used in its preparation.

Sec. 3. Section 15.36.140, chapter 11, Laws of 1961 and RCW 15.36-.140 are each amended to read as follows:

Grade A raw milk is raw milk produced upon dairy farms conforming with all of the items of sanitation contained in RCW 15.36.150 to 15.36-.280, inclusive, and the bacterial plate count (~~(or the direct microscopic clump count of which)~~) does not exceed twenty thousand per milliliter(~~(, or the methylene blue reduction time of which is not less than seven hours, as determined in accordance with RCW 15.36.110)~~) and the coliform count does not exceed ten per milliliter.

Grade A raw milk for pasteurization is raw milk produced upon dairy farms conforming with all of said items of sanitation except RCW 15.36-.265 (bottling and capping), 15.36.270 (personnel health), and such portions of other items as are indicated therein, and the bacterial plate count (~~(or the direct microscopic clump count of which)~~), as delivered from the farm, does not exceed one hundred thousand per milliliter(~~(, or the resazurin reduction time of which to P seven-fourth is not less than three hours;)~~) as determined in accordance with RCW 15.36.110.

Sec. 4. Section 15.36.290, chapter 11, Laws of 1961 and RCW 15.36-.290 are each amended to read as follows:

Grade B raw milk is raw milk which violates the bacterial standard requirement for grade A raw milk, but which conforms with all other requirements for grade A raw milk, and has (~~(an average)~~) a bacterial plate count not exceeding one hundred thousand per milliliter, (~~(or an average direct microscopic count not exceeding one hundred thousand per cubic centimeter if clumps are counted or six hundred thousand per cubic centimeter if individual organisms are counted, or an average reduction time of not less than three and one-half hours;)~~) as determined under RCW (~~(15-.36.050 and)~~) 15.36.110.

Sec. 5. Section 15.36.320, chapter 11, Laws of 1961 and RCW 15.36-.320 are each amended to read as follows:

Grade A pasteurized milk is grade A raw milk for pasteurization which has been pasteurized, cooled and placed in the final container in a milk plant conforming with all of the items of sanitation contained in RCW 15-.36.325 to 15.36.440, inclusive, which in all cases shows efficient pasteurization as evidenced by satisfactory phosphatase tests, and which at no time after pasteurization and until delivery has a bacterial plate count exceeding twenty thousand per milliliter or a positive coliform test in more than two out of four samples taken on separate days as determined in accordance with RCW 15.36.110: PROVIDED, That the raw milk at no time between dumping and pasteurization, shall have a bacterial plate count (~~(or direct~~

~~microscopic clump count~~) exceeding ~~((two))~~ three hundred thousand per milliliter.

The grading of a pasteurized-milk supply shall include the inspection of receiving and collection stations with respect to compliance with RCW 15.36.325 to 15.36.395, inclusive, and RCW 15.36.405, 15.36.415, 15.36.430 and 15.36.440, except that the partitioning requirement of RCW 15.36.345 shall not apply.

Sec. 6. Section 22, chapter 63, Laws of 1969 and RCW 15.49.220 are each amended to read as follows:

"Lot number" shall identify the producer or dealer and year of production or the year distributed for each lot of seed. This requirement may be satisfied by use of a ~~((processor's))~~ conditioner's or dealer's code.

Sec. 7. Section 28, chapter 63, Laws of 1969 and RCW 15.49.280 are each amended to read as follows:

"Screenings" mean chaff, seed, weed seed, inert matter, and other materials removed from seed in cleaning or ~~((processing))~~ conditioning.

Sec. 8. Section 29, chapter 63, Laws of 1969 and RCW 15.49.290 are each amended to read as follows:

"Treated" means that the seed has received an application of a pesticide or has been subjected to a ~~((process))~~ conditioning which pesticide or ~~((process))~~ conditioning is designed to reduce, control, or repel certain disease organisms, insects, or other pests attacking such seeds or the seedlings emerging therefrom. Excluded are seeds intended for food or feed use which are treated with pesticides approved for that intended use.

Sec. 9. Section 31, chapter 63, Laws of 1969 and RCW 15.49.310 are each amended to read as follows:

The department shall administer, enforce, and carry out the provisions of this chapter and may adopt regulations necessary to carry out its purpose. The adoption of regulations shall be subject to a public hearing and all other applicable provisions of chapter 34.04 RCW (Administrative Procedure Act), as enacted and hereafter amended.

The department when adopting regulations in respect to the seed industry shall consult with affected parties, such as growers, ~~((processors))~~ conditioners, and distributors of seed. Any final regulation adopted shall be based upon the requirements and conditions of the industry and shall be for the purpose of promoting the well-being of the purchasers and users of seed as well as the members of the seed industry.

When seed labeling, terms, methods of sampling and analysis, and tolerances are not specifically stated in this chapter or otherwise designated by the department, the department shall, in order to promote uniformity, be guided by officially recognized associations, or regulations under The Federal Seed Act.

Sec. 10. Section 32, chapter 63, Laws of 1969 and RCW 15.49.320 are each amended to read as follows:

(1) Each container of seed distributed in this state for seeding purposes shall bear thereon or have attached thereto in a conspicuous place a plainly written or printed label in the English language providing the following information:

(a) Kind, or kind and variety, or kind and type.

(b) Lot number.

(c) Net weight as required under chapter ((19.93)) 19.94 RCW as enacted or hereinafter amended.

(d) Name and address of the seed labeling registrant under whose label said seed is distributed within this state.

(e) When seed is treated, or subjected to a ((process)) conditioning for which a claim is made, the label shall contain:

(i) A word or statement indicating that the seed has been treated and the ((process)) conditioning the seed has been subjected to.

(ii) The commonly accepted coined, chemical or abbreviated chemical (generic) name of the applied substance or a description of the ((process)) conditioning used.

(iii) The appropriate warning or caution statement for the pesticide used. The skull and cross-bones and the word POISON shall be used when the pesticide is highly toxic. This warning shall be conspicuous, and the size of type shall be not less than eight point.

(f) When a claim is made for inoculation the label shall also show the month and year beyond which the inoculant is no longer claimed to be effective.

(g) The name and number of restricted noxious weed seeds per pound.

(2) The label for each container of agricultural seed distributed in the state shall contain the information required in subsection (1) of this section and the following:

(a) For each named crop seed the percentage of germination, exclusive of hard seed;

(b) The percentage of hard seed, if present;

(c) The calendar month and year the test was completed to determine such percentages;

(d) A purity statement which shall include a commonly accepted name of kind, or kind and variety, or kind and type of each crop seed component in excess of five percent of the whole and the percentage by weight of each in the order of its predominance. When more than one component is required to be named, the word "mixture" or the word "mixed" shall be shown conspicuously on the label;

(e) Percentage by weight of all weed seeds, of inert matter, and of other agricultural seeds (percent other crop) other than those required to be named on the label as components in subsection (2)(d) of this section;

(f) Origin—The state (domestic) or country (foreign) where grown, or if origin unknown, that fact shall be stated. Exceptions may be provided by regulations.

(3) The label for each container of vegetable seed distributed in this state shall contain the kind and variety, the information required in subsection (1) (b) through (g) of this section, and the following:

(a) For packages of more than one pound—

(i) The information in subsection (2) (a), (b), (c), and (d) of this section.

(b) For packages of one pound or less (when seed germination is less than the standards established by the department)—

(i) The information in subsection (2) (a), (b), (c) of this section and the words "below standard."

(4) Specific labeling requirements for kinds of seeds may be adopted in regulations because of individual unique requirements, e.g., bulk grain seed.

(5) The provisions of this section shall not apply:

(a) To seed or grain not intended for seeding purposes, except when labeling, advertising, or other representations indicate that it is suitable for seed by the use of such terms as ~~((processed))~~ conditioned, treated, certified, variety designated or other terms of similar implication.

(b) To seed in a cleaning or ~~((processing))~~ conditioning establishment, or being transported or consigned to such establishment for the purpose of cleaning or ~~((processing))~~ conditioning: PROVIDED, That any labeling or other representation which may be made with respect to the uncleaned or ~~((unprocessed))~~ unconditioned seed shall be subject to this chapter.

(c) To seed weighed and packaged, in the presence of the purchaser, from a bulk container which is labeled in accordance with this chapter.

(d) To seed transported from one warehouse to another without transfer of title, when each container is plainly marked or identified with a lot number. Upon request of the department, required label information shall be made available.

Sec. 11. Section 33, chapter 63, Laws of 1969 as amended by section 1, chapter 154, Laws of 1979 and RCW 15.49.330 are each amended to read as follows:

(1) All screenings, removed in the cleaning or ~~((processing))~~ conditioning of seeds, which contain prohibited or restricted noxious weed seeds shall be removed from the seed ~~((processing))~~ conditioning plant only under conditions that will prevent weed seeds from being dispersed into the environment.

(2) The director may by regulation adopt requirements for moving, ~~((processing))~~ conditioning, and/or disposing of screenings.

Sec. 12. Section 34, chapter 63, Laws of 1969 as amended by section 3, chapter 26, Laws of 1977 ex. sess. and RCW 15.49.340 are each amended to read as follows:

It shall be unlawful for any person:

(1) To distribute mislabeled seed. Seed shall be deemed to be mislabeled:

(a) If the germination test, required by RCW 15.49.320 has not been completed within the following time limitations:

(i) Eight months for seeds distributed to a dealer for resale.

(ii) Eighteen months for seeds distributed by a dealer at retail.

(iii) When seeds are packaged under conditions which the department has determined will prolong their viability, the department may designate a longer period than otherwise specified in this section, and may require additional labeling to maintain identification of seed packaged under such conditions.

(b) If it is not labeled in accordance with RCW 15.49.320 or regulations adopted thereunder: **PROVIDED**, That no person shall be subject to the penalties of this chapter for having distributed seed which is incorrectly labeled or misrepresented as to kind, type, variety, or origin and which seed cannot be identified by examination thereof, if he possesses, at the time of notification of the violation, an invoice or a declaration from a distributor or grower giving kind, type, variety, or origin, and if he has taken such other precautions necessary to insure the identity to be that stated.

(c) If advertising or labeling is false or misleading in any way.

(d) If composition or quality falls below or differs from that which it is purported or represented to be by its labeling.

(e) If it consists of or contains prohibited noxious weed seeds.

(f) If it consists of or contains restricted noxious weed seeds in excess of the number declared on the label: **PROVIDED**, That the maximum number of restricted noxious weed seeds per pound shall not exceed that amount established by regulations.

(g) If the total weed seed content is in excess of two percent.

(h) If it contains less than twenty-five percent pure live seed.

(i) If its labeling represents it to be foundation, registered or certified seed unless it has been inspected and tagged accordingly by a certifying agency meeting certification standards of the department.

(j) If a white, purple, or blue colored tag is attached which is of similar size and format to the official certification tag which could be mistaken for the official certification tag.

(k) If labeled with a variety name but not certified by a certifying agency when it is a variety for which a certificate of plant variety protection under the federal plant variety protection act (84 Stat. 1542, 7 U.S.C. Sec. 2321 et seq.) specifies sale only as a class of certified seed: **PROVIDED**, That seed from a certified lot may be labeled as to variety name when used in a mixture by, or with the approval of, the owner of the variety.

(2) To detach, alter, deface, or destroy any seed label or alter or substitute seed in a manner that may defeat the purpose of this chapter.

(3) To hinder or obstruct the department in the performance of its duties under this chapter.

(4) To engage in the cleaning of seeds, entered by growers for certification, without first having obtained a seed ~~((processing))~~ conditioning permit from the department.

(5) To distribute screenings for seeding purposes.

Sec. 13. Section 35, chapter 63, Laws of 1969 and RCW 15.49.350 are each amended to read as follows:

Upon application for a permit to ~~((process))~~ condition certified seed, the department shall inspect the seed ~~((processing))~~ conditioning facilities of the applicant to determine that genetic purity and identity of seed ~~((processed))~~ conditioned can be maintained. Upon approval, the department shall issue a seed ~~((processing))~~ conditioning permit, for each regular place of business, which shall be conspicuously displayed in the office of such business. The permit shall remain in effect as long as the facilities comply with the department's requirements for such permit.

Sec. 14. Section 37, chapter 63, Laws of 1969 and RCW 15.49.370 are each amended to read as follows:

The department shall have the authority to:

(1) Sample, inspect, make analysis of, and test seeds distributed within this state at such time and place and to such extent as it may deem necessary to determine whether such seeds are in compliance with the provisions of this chapter. The methods of sampling and analysis shall be those adopted by the department from officially recognized sources. The department, in determining for administrative purposes whether seeds are in violation of this chapter, shall be guided by records, and by the official sample obtained and analyzed as provided for in this section. Analysis of an official sample, by the department, shall be accepted as prima facie evidence by any court of competent jurisdiction.

(2) Enter any dealer's or seed labeling registrant's premises at all reasonable times in order to have access to seeds and to records. This includes the determination of the weight of packages and bulk shipments.

(3) Adopt and enforce regulations for certifying seeds, and shall fix and collect fees for such service. The director of the department may appoint persons as agents for the purpose of assisting in the certification of seeds.

(4) Adopt and enforce regulations for inspecting, grading, and certifying growing crops of seeds; inspect, grade, and issue certificates upon request; and fix and collect fees for such services.

(5) Make purity, germination and other tests of seed on request, and fix and collect charges for the tests made.

(6) Establish and maintain seed testing facilities, employ qualified persons, establish by rule special assessments as needed, and incur such expenses as may be necessary to ~~((comply with the intent))~~ carry out the provisions of this chapter.

(7) Adopt a list of the prohibited and restricted noxious weed seeds.

(8) Publish reports of official seed inspections, seed certifications, laboratory statistics, verified violations of this chapter, and other seed branch activities which do not reveal confidential information regarding individual company operations or production.

(9) Deny, suspend, or revoke licenses, permits and certificates provided for in this chapter subsequent to a hearing, subject to the provisions of chapter 34.04 RCW (Administrative Procedure Act) as enacted or hereafter amended, in any case in which the department finds that there has been a failure or refusal to comply with the provisions of this chapter or regulations adopted hereunder.

Sec. 15. Section 38, chapter 63, Laws of 1969 and RCW 15.49.380 are each amended to read as follows:

(1) No person shall distribute seeds without having obtained a dealer's license for each regular place of business: PROVIDED, That no license shall be required of a person who distributes seeds only in sealed packages of eight ounces or less, packed by a seed labeling registrant and bearing the name and address of the registrant: PROVIDED FURTHER, That a license shall not be required of any grower selling seeds of his own production exclusively. Such seed sold by such grower must be properly labeled as provided in this chapter. Each dealer's license shall cost (~~(ten)~~ twenty-five dollars, shall be issued by the department, shall bear the date of issue, shall expire on January 31st of each year and shall be prominently displayed in each place of business.

(2) Persons custom (~~(processing)~~ conditioning) and/or custom treating seeds for others for remuneration shall be considered dealers for the purpose of this chapter.

(3) Application for a license to distribute seed shall be on a form prescribed by the department and shall include the name and address of the person applying for the license, the name of a person domiciled in this state authorized to receive and accept service or legal notices of all kinds, and any other reasonable and practical information prescribed by the department necessary to carry out the purposes and provisions of this chapter.

Sec. 16. Section 41, chapter 63, Laws of 1969 and RCW 15.49.410 are each amended to read as follows:

(1) When the department has determined or has probable cause to suspect that any lot of seed or screenings is mislabeled and/or is being distributed in violation of this chapter or regulations adopted hereunder, it may issue and enforce a written or printed "stop sale, use or removal order" warning the distributor not to dispose of the lot of seed or screenings in any manner until written permission is given by the department or a court of competent jurisdiction. The department shall release the lot of seed or screenings so withdrawn when said provisions and regulations have been

complied with. If compliance is not obtained, the department may bring proceedings for condemnation.

(2) Any lot of seed or screenings not in compliance with the provisions of this chapter shall be subject to seizure on complaint of the department to a court of competent jurisdiction in the locality in which the seed or screenings are located. In the event the court finds the seed or screenings to be in violation of this chapter and orders the condemnation of said seed or screenings, such lot of seed or screenings shall be denatured, (~~processed~~) conditioned, destroyed, relabeled, or otherwise disposed of in compliance with the laws of this state: PROVIDED, That in no instance shall the court order such disposition of said seed or screenings without first having given the claimant an opportunity to apply to the court, within twenty days, for the release of said seed or screenings or for permission to (~~process~~) condition or relabel it to bring it into compliance with this chapter.

Sec. 17. Section 6, chapter 31, Laws of 1965 ex. sess. as last amended by section 1, chapter 91, Laws of 1979 and RCW 15.53.9018 are each amended to read as follows:

(1) On or after (~~January 1, 1980~~) June 30, 1981, each initial distributor of a commercial feed in this state shall pay to the department an inspection fee (~~of eight cents per ton~~) on all commercial feed sold by such person during the year. The fee shall be not less than four cents nor more than fourteen cents per ton as prescribed by the director by rule.

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

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

(4) Each person made responsible by this chapter for the payment of inspection fees for commercial feed sold in this state shall file a report with the department on January 1st (~~and~~), April 1st, July 1st, and October 1st of each year showing the number of tons of such commercial feed sold during the (~~six~~) three calendar months immediately preceding the date the report is due. The proper inspection fee shall be remitted with the report. The person required to file the report and pay the fee shall have a thirty-day period of grace immediately following the day the report and payment are due to file the report, and pay the fee: PROVIDED, That upon permission of the department, an annual statement under oath may be filed by any person distributing within the state less than (~~one hundred~~) fifty tons for each (~~six-month~~) three-month period during any year, and upon filing

such statement such person shall pay the inspection fee at the rate (~~(stated)~~) provided for in subsection (1) of this section.

(5) Each distributor shall keep such reasonable and practical records as may be necessary or required by the department to indicate accurately the tonnage of commercial feed distributed in this state, and the department shall have the right to examine such records to verify statements of tonnage. Failure to make an accurate statement of tonnage or to pay the inspection fee or comply as provided herein shall constitute a violation of this chapter.

(6) Inspection fees which are due and owing and have not been remitted to the department within thirty days following the due date shall have a collection fee of ten percent, but not less than five dollars, added to the amount due when payment is finally made. The assessment of this collection fee shall not prevent the department from taking other actions as provided for in this chapter.

(7) The report required by subsection (4) of this section shall not be a public record, and it shall be a misdemeanor for any person to divulge any information given in such report which would reveal the business operation of the person making the report: PROVIDED, That nothing contained in this subsection shall be construed to prevent or make unlawful the use of information concerning the business operation of a person if any action, suit, or proceeding instituted under the authority of this chapter, including any civil action for collection of unpaid inspection fees, which action is hereby authorized and which shall be as an action at law in the name of the director of the department.

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

Sec. 18. Section 23, chapter 22, Laws of 1967 ex. sess. as amended by section 9, chapter 257, Laws of 1975 1st. ex. sess. and RCW 15.54.350 are each amended to read as follows:

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

(2) In computing the tonnage on which the inspection fee must be paid, sales of commercial fertilizers to fertilizer manufacturers, sales of commercial fertilizers in packages weighing five pounds net or less, and sales of commercial fertilizers for shipment to points outside this state may be excluded.

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

Sec. 19. Section 20, chapter 190, Laws of 1971 ex. sess. and RCW 15-58.200 are each amended to read as follows:

The director shall require each pesticide dealer manager to demonstrate to the director his knowledge of pesticide laws and regulations; pesticide hazards; and the safe distribution, use and application, and disposal of pesticides by satisfactorily passing a written examination after which the director shall issue a license of qualification. Application for a license shall be accompanied by a license fee of ten dollars. The director shall charge a five dollar examination fee for each examination administered on other than a regularly scheduled examination date. The pesticide dealer manager license shall be valid until revoked or until the director determines relicensing is necessary.

Sec. 20. Section 22, chapter 190, Laws of 1971 ex. sess. and RCW 15-58.220 are each amended to read as follows:

For the purpose of this section public pest control consultant means any individual who is employed by a governmental agency or unit to act as a pest control consultant as defined in RCW 15.58.030(23). No person shall act as a public pest control consultant on or after February 28, 1973 without first obtaining ~~((an annual))~~ a nonfee license from the director which shall expire on the ~~((final day of February of each year))~~ third December 31st from the date of issuance. Application for a license shall be on a form prescribed by the director: PROVIDED, That federal and state employees whose principal responsibilities are in pesticide research, the jurisdictional health officer or his duly authorized representative, and public operators licensed under RCW 17.21.220 shall be exempt from this licensing provision.

Sec. 21. Section 7, chapter 249, Laws of 1961 as amended by section 3, chapter 177, Laws of 1967 and RCW 17.21.070 are each amended to read as follows:

It shall be unlawful for any person to engage in the business of applying pesticides to the land of another without a pesticide applicator's license. Application for such a license shall be made on or before January 1st of each year. Such application shall be accompanied by a fee of ~~((fifty))~~ one hundred dollars and in addition thereto a fee of ten dollars for each apparatus, exclusive of one, used by the applicant in the application of pesticides: PROVIDED, That the provisions of this section shall not apply to any person employed only to operate any apparatus used for the application of any pesticide, and in which such person has no financial interest or other control over such apparatus other than its day to day mechanical operation for the purpose of applying any pesticide.

Sec. 22. Section 11, chapter 249, Laws of 1961 as amended by section 6, chapter 177, Laws of 1967 and RCW 17.21.110 are each amended to read as follows:

It shall be unlawful for any person to act as an employee of a pesticide applicator and apply pesticides manually or as the operator directly in charge of any apparatus which is licensed or should be licensed under the provisions of this chapter for the application of any pesticide, without having obtained an operator's license from the director. Such an operator's license shall be in addition to any other license or permit required by law for the operation or use of any such apparatus. Any person applying for such an operator's license shall file an application on a form prescribed by the director on or before January 1st of each year. Such application shall state the classifications the applicant is applying for and whether the applicant intends to apply pesticides manually or to operate either a ground or aerial apparatus, or both, for the application of pesticides. Application for a license to apply pesticides manually and/or to operate ground apparatuses shall be accompanied by a license fee of ~~((ten))~~ twenty dollars. Application for a license to operate an aerial apparatus shall be accompanied by a license fee of ~~((ten))~~ twenty dollars. The provisions of this section shall not apply to any individual who has passed the examination provided for in RCW 17.21.090, and is a licensed pesticide applicator.

Sec. 23. Section 9, chapter 191, Laws of 1971 ex. sess. as amended by section 4, chapter 92, Laws of 1979 and RCW 17.21.203 are each amended to read as follows:

(1) The licensing provisions of this chapter shall not apply to research personnel of federal, state, county, or municipal agencies when performing pesticide research in their official capacities: PROVIDED, That when such persons are applying pesticides restricted to use by certified applicators, they shall be licensed as public operators.

(2) The licensing provisions of this chapter shall not apply to any other person when applying pesticides to small experimental plots for research purposes when no charge is made for the pesticide and its application: PROVIDED, That if such persons are not provided for in subsection (1) of this section and are applying pesticides restricted to use by certified applicators, they shall be required to be licensed as ~~((pesticide))~~ demonstration and research applicators in accordance with section 26 of this 1981 act, but shall be exempt from the requirements of RCW 17.21.160, 17.21.170, and 17.21.180.

Sec. 24. Section 22, chapter 249, Laws of 1961 as last amended by section 7, chapter 191, Laws of 1971 ex. sess. and RCW 17.21.220 are each amended to read as follows:

(1) All state agencies, municipal corporations, and public utilities or any other governmental agency shall be subject to the provisions of this chapter and rules adopted thereunder concerning the application of pesticides: PROVIDED, That the operators in charge of any apparatuses used by any

state agencies, municipal corporations and public utilities or any governmental agencies shall be subject to the provisions of RCW 17.21.100, 17.21.110 and 17.21.120 (~~and~~) : PROVIDED FURTHER, That the director shall issue a limited public operator license without a fee to such operators which shall be valid only when such operators are acting as operators on apparatuses used by such entities and which shall expire on the third December 31st from the date of issuance: AND PROVIDED FURTHER, That the jurisdictional health officer or his duly authorized representative is exempt from this licensing provision when applying pesticides to control pests other than weeds.

(2) Such agencies, municipal corporations and public utilities shall be subject to legal recourse by any person damaged by such application of any pesticide, and such action may be brought in the county where the damage or some part thereof occurred.

Sec. 25. Section 50, chapter 124, Laws of 1963 and RCW 22.09.500 are each amended to read as follows:

(1) All moneys collected as warehouse license fees, fees for weighing, grading, and inspecting commodities and all other fees collected under the provisions of this chapter, except as provided in subsection (2) of this section, shall be (~~paid~~) deposited into the grain and hay inspection revolving fund (~~in the state treasury~~), which is hereby established. The state treasurer is the custodian of the revolving fund. Disbursements from the revolving fund shall be on authorization of the director of the department of agriculture. The revolving fund is subject to the allotment procedure provided in chapter 43.88 RCW, but no appropriation is required for disbursements from the fund. Such fund shall be used for (~~administrative~~) all expenses (~~under this chapter and for the enforcement of all~~) directly incurred by the division of grain and agricultural chemicals in carrying out the provisions (~~thereof~~) of this chapter. The department may use so much of such fund not exceeding five percent thereof as the director of agriculture may determine necessary for research and promotional work, including rate studies, relating to wheat and wheat products.

(2) All fees collected for the inspection, grading, and testing of hops shall be deposited into the hop inspection fund, which is hereby established, and shall be retained by the department for the purpose of inspecting, grading, and testing hops. Any moneys in any fund retained by the department on the effective date of this chapter and derived from hop inspection and grading shall be deposited to this hop inspection fund. For the purposes of research which would contribute to the development of superior hop varieties and to improve hop production and harvest practices, the department may expend up to twenty percent of the moneys deposited in the hop inspection fund during the fiscal year ending June 30th immediately preceding the year in which such expenditures are to be made. No expenditures

shall be made under the provisions of this subsection when the hop inspection fund is, or the director may reasonably anticipate that it will be, reduced below twenty thousand dollars as the result of such expenditure or other necessary expenditures made to carry out the inspection, grading, and testing of hops.

NEW SECTION. Sec. 26. There is added to chapter 17.21 RCW a new section to read as follows:

Except as provided in RCW 17.21.203(1), it is unlawful for a person to use or supervise the use of any pesticide which is restricted to use by certified applicators, on small experimental plots for research purposes when no charge is made for the pesticide and its application, without a demonstration and research applicator's license.

Demonstration and research applicators shall be subject to the record-keeping requirements of RCW 17.21.100. The director shall not issue a demonstration and research license until the applicant has passed an examination to demonstrate (1) the applicant's ability to apply pesticides in the classifications the applicant has applied for, and (2) the applicant's knowledge of the nature and effect of pesticides applied manually or used in such apparatuses under such classifications. A license fee of twenty dollars shall be paid before a demonstration and research license may be issued. The director shall charge a five-dollar examination fee for each examination administered on other than a regularly scheduled examination date. The demonstration and research applicator's license shall be valid until revoked or until the director determines that recertification is necessary.

NEW SECTION. Sec. 27. There is added to chapter 43.23 RCW a new section to read as follows:

The dean of the college of fisheries of the University of Washington and the dean's appointed laboratory director, and the chief chemist of the department of agriculture chemistry and hop laboratory shall be the official chemists of the department of agriculture. Official chemists of the department shall provide laboratory services and analyze all substances that the director of agriculture may send to them and report to the director without unnecessary delay the results of any analysis so made. When called upon by the director, they or any of the additional chemists provided for pursuant to section 28 of this act shall assist in any prosecution for the violation of any law enforced by the department. The dean of the college of fisheries of the University of Washington and the dean's appointed laboratory director shall provide such laboratory services without additional compensation other than their expenses incurred in the performance of such work.

NEW SECTION. Sec. 28. There is added to chapter 43.23 RCW a new section to read as follows:

The director of agriculture may appoint one or more competent graduate chemists to serve as additional chemist of the department of agriculture,

who may perform any of the duties required of and under the supervision of the official chemists, and whose compensation shall be fixed by the director.

NEW SECTION. Sec. 29. The legislature finds that agricultural land is essential to providing citizens with food and fiber and to insuring aesthetic values through the preservation of open spaces in our state. The legislature further finds that government regulations can cause agricultural land to be converted to nonagricultural uses. The legislature intends that agricultural activity consistent with good practices be protected from government over-regulation.

NEW SECTION. Sec. 30. There is added to chapter 70.94 RCW a new section to read as follows:

(1) Odors caused by agricultural activity consistent with good agricultural practices on agricultural land are exempt from the requirements of this chapter unless they have a substantial adverse effect on public health. In determining whether agricultural activity is consistent with good agricultural practices, the department of ecology or board of any authority shall consult with a recognized third-party expert in the activity prior to issuing any notice of violation.

(2) Any notice of violation issued under this chapter pertaining to odors caused by agricultural activity shall include a statement as to why the activity is inconsistent with good agricultural practices, or a statement that the odors have substantial adverse effect on public health.

(3) In any appeal to the pollution control hearings board or any judicial appeal, the agency issuing a final order pertaining to odors caused by agricultural activity shall prove the activity is inconsistent with good agricultural practices or that the odors have a substantial adverse impact on public health.

(4) If a person engaged in agricultural activity on a contiguous piece of agricultural land sells or has sold a portion of that land for residential purposes, the exemption of this section shall not apply.

(5) As used in this section:

(a) "Agricultural activity" means the growing, raising, or production of horticultural or viticultural crops, berries, poultry, livestock, grain, mint, hay, and dairy products.

(b) "Good agricultural practices" means economically feasible practices which are customary among or appropriate to farms and ranches of a similar nature in the local area.

(c) "Agricultural land" means at least five acres of land devoted primarily to the commercial production of livestock or agricultural commodities.

NEW SECTION. Sec. 31. There is added to chapter 90.48 RCW a new section to read as follows:

(1) Prior to issuing a notice of violation related to discharges from agricultural activity on agricultural land, the department shall consider whether an enforcement action would contribute to the conversion of agricultural land to nonagricultural uses. Any enforcement action shall attempt to minimize the possibility of such conversion.

(1)[(2)] As used in this section:

(a) "Agricultural activity" means the growing, raising, or production of horticultural or viticultural crops, berries, poultry, livestock, grain, mint, hay and dairy products.

(b) "Agricultural land" means at least five acres of land devoted primarily to the commercial production of livestock or agricultural commodities.

Sec. 32. Section 6, chapter 19, Laws of 1913 as amended by section 2, chapter 34, Laws of 1961 and RCW 23.86.090 are each amended to read as follows:

The articles of association may be amended by a majority vote of the ~~((stockholders))~~ members voting thereon, at any regular ~~((stockholders'))~~ meeting or at any special ~~((stockholders'))~~ meeting called for that purpose, ~~((on twenty days' written))~~ after notice ~~((being))~~ of the proposed amendment has been given to ~~((the stockholders))~~ all members entitled to vote thereon, in the manner provided by the bylaws: **PROVIDED, That if the total vote upon the proposed amendment shall be less than twenty-five percent of the total membership of the association, the amendment shall not be approved. At the meeting, members may vote upon the proposed amendment in person, or by written proxy, or by mailed ballot. The power to amend shall include the power to extend the period of its duration for a further definite time or perpetually, and also include the power to increase or diminish the amount of capital stock and the number of shares: PROVIDED, The amount of the capital stock shall not be diminished below the amount of the paid-up capital stock at the time such amendment is adopted. Within thirty days after the adoption of an amendment to its articles of association, the association shall cause a copy of such amendment adopted to be recorded in the office of the secretary of state and of the county auditor of the county where its principal place of business is located.**

Sec. 33. Section 9, chapter 19, Laws of 1913 and RCW 23.86.120 are each amended to read as follows:

~~((At any regular meeting or any regularly called special meeting at which at least a majority of all the stockholders shall be present, or represented,))~~ An association organized under this chapter may ((by a majority vote of the stockholders present or represented,)) subscribe for shares and invest its reserve fund or any part thereof in the capital stock of any other cooperative association upon approval by a majority vote of the members voting thereon, at any regular meeting or at any special meeting called for that purpose, after notice of the proposed action has been given to all

members entitled to vote thereon, in the manner provided by the bylaws: PROVIDED, That if the total vote upon the action shall be less than twenty-five percent of the total membership of the association, the action shall not be approved. At the meeting, members may vote on the proposed action in person, or by written proxy, or by mailed ballot.

Sec. 34. Section 2, chapter 221, Laws of 1971 ex. sess. and RCW 23-86.210 are each amended to read as follows:

(1) A cooperative association may be converted to a domestic ordinary business corporation pursuant to the following procedures:

(a) The board of trustees of the association shall, by affirmative vote of not less than two-thirds of all such trustees, adopt a plan for such conversion setting forth:

(i) The reasons why such conversion is desirable and in the interests of the members of the association;

(ii) The proposed contents of articles of conversion with respect to items (ii) through (ix) of subparagraph (c) below; and

(iii) Such other information and matters as the board of trustees may deem to be pertinent to the proposed plan.

(b) After adoption by the board of trustees, the plan for conversion shall be submitted for approval or rejection to the members of the association at ~~((a)) any regular meetings or at any special meetings ((of such members duly called and held))~~ called for that purpose, after notice of the proposed conversion has been given to all members entitled to vote thereon, in the manner provided by the bylaws. The notice of the meeting shall be accompanied by a full copy of the proposed plan for conversion or by a summary of its provisions. ~~At the meeting members ((shall have the right to)) may vote upon the ((proposal)) proposed conversion in person, or by written proxy, or by ((mail)) mailed ballot. ((If not less than))~~ The affirmative vote of two-thirds of ((all of)) the members ((of the association vote in favor thereof, the plan for conversion)) voting thereon shall ((thereby)) be ((approved)) required for approval of the plan of conversion: PROVIDED, That if the total vote upon the proposed conversion shall be less than twenty-five percent of the total membership of the association, the conversion shall not be approved.

(c) Upon approval by the members of the association, the articles of conversion shall be executed in triplicate by the association by its president and by its secretary and verified by one of its officers and shall set forth:

(i) The dates and vote by which the plan for conversion was adopted by the board of trustees and members respectively;

(ii) The corporate name of the converted organization. The name shall comply with requirements for names of business corporations formed under Title 23A RCW, and shall not contain the term "cooperative";

(iii) The purpose or purposes for which the converted corporation is to exist;

(iv) The duration of the converted corporation;

(v) The capitalization of the converted corporation and the class or classes of shares of stock into which divided, together with the par value, if any, of such shares, in accordance with statutory requirements applicable to ordinary business corporations, and the basis upon which outstanding shares of the association are converted into shares of the converted corporation;

(vi) Any provision limiting or denying to shareholders the preemptive right to acquire additional shares of the converted corporation;

(vii) The address of the converted corporation's initial registered office and its initial registered agent at such address;

(viii) The names and addresses of the persons who are to serve as directors of the converted corporation until the first annual meeting of shareholders of the converted corporation or until their successors are elected and qualify;

(ix) Any additional provisions, not inconsistent with law, provided for by the plan for conversion for the regulation of the internal affairs of the converted corporation, including any provision restricting the transfer of shares or which under Title 23A RCW is required or permitted to be set forth in bylaws.

(d) The executed triplicate originals of the articles of conversion shall be delivered to the secretary of state. If the secretary of state finds that the articles of conversion conform to law, he shall, when all the fees have been paid as in this section prescribed:

(i) Endorse on each of such originals the word "Filed", and the month, day and year of such filing;

(ii) File one of such originals in his office; and

(iii) Issue a certificate of conversion to which he shall affix one of such originals.

The certificate of conversion together with the original of the articles of conversion affixed thereto by the secretary of state, and the other remaining original shall be returned to the converted corporation. The remaining original shall be filed in the office of the county auditor of the county in which the converted corporation's registered office is situated. The original affixed to the certificate of conversion shall be retained by the converted corporation.

(e) Upon filing the articles of conversion the converted corporation shall pay, and the secretary of state and county auditor shall collect, the same filing and license fees as for filing with them respectively of articles of incorporation of a newly formed business corporation similarly capitalized.

(2) Upon issuance by the secretary of state of the certificate of conversion, the conversion of the cooperative association to an ordinary business corporation shall become effective; the articles of conversion shall thereafter constitute and be treated in like manner as articles of incorporation; and the converted corporation shall be subject to all laws applicable to corporations

formed under Title 23A RCW, and shall not thereafter be subject to laws applying only to cooperative associations. The converted corporation shall constitute and be deemed to constitute a continuation of the corporate substance of the cooperative association and the conversion shall in no way derogate from the rights of creditors of the former association.

(3) A member of the cooperative association who dissents from the plan for conversion shall have the same right of dissent and payment and in accordance with the same applicable procedures, as are provided for dissenting shareholders with respect to merger of ordinary business corporations under chapter 23A.24 RCW.

Sec. 35. Section 3, chapter 221, Laws of 1971 ex. sess. and RCW 23-86.220 are each amended to read as follows:

(1) A cooperative association may merge with one or more domestic cooperative associations, or with one or more domestic ordinary business corporations, in accordance with the procedures and subject to the conditions set forth or referred to in this section.

(2) If the merger is into another domestic cooperative association, the board of trustees of each of the associations shall approve by vote of not less than two-thirds of all the trustees, a plan of merger setting forth:

(a) The names of the associations proposing to merge;

(b) The name of the association which is to be the surviving association in the merger;

(c) The terms and conditions of the proposed merger;

(d) The manner and basis of converting the shares of each merging association into shares or other securities or obligations of the surviving association;

(e) A statement of any changes in the articles of association of the surviving association to be effected by such merger; and

(f) Such other provisions with respect to the proposed merger as are deemed necessary or desirable.

(3) Following approval by the boards of trustees, the plan of merger shall be submitted to a vote of the members of each of the associations at any regular meeting or at any special meetings ((of the members)) called for ((the)) that purpose, after notice of the proposed merger has been given to all members entitled to vote thereon, in the manner provided in the by-laws. The notice of the meeting shall be in writing stating the purpose or purposes of the meeting and include or be accompanied by a copy or summary of the plan of merger. At the meeting members may vote upon the proposed merger in person, or by written proxy, or by mailed ballot. The affirmative vote of ((not less than)) two-thirds of ((all of)) the members ((of the)) voting thereon, by each association, shall be required for approval of the plan of merger: PROVIDED, That if the total vote of either association upon the proposed merger shall be less than twenty-five percent of the total membership of such association, the merger shall not be approved.

(4) Upon approval by the members of the associations proposing to merge, articles of merger shall be executed in triplicate by each association by its president and by its secretary and verified by one of the officers of each association signing such articles, and shall set forth:

(a) The plan of merger;

(b) As to each association, the number of members and number of shares outstanding; and

(c) As to each association, the number of members who voted for and against such plan, respectively.

(5) Triplicate originals of the articles of merger shall be delivered to the secretary of state. If the secretary of state finds that such articles conform to law, he shall, when all fees have been paid as in this section prescribed:

(a) Endorse on each of such originals the word "Filed", and the month, day and year of such filing;

(b) File one of such originals in his office; and

(c) Issue a certificate of merger to which he shall affix one of such originals.

(6) The certificate of merger, together with the duplicate original of the articles of merger affixed thereto by the secretary of state, and the other remaining original, shall be returned to the surviving association or its representative. Such remaining original shall then be filed in the office of the county auditor of the county in which the principal place of business of the surviving association is located. If the principal place of business of the merged association has been located in a different county from that of the surviving association, a copy of the articles of merger, certified by the secretary of state, shall likewise be filed with the county auditor of such different county.

(7) For filing articles of merger hereunder the secretary of state and county auditor shall charge and collect the same fees, respectively, as apply to filing of articles of merger of ordinary business corporations.

(8) If the plan of merger is for merger of the cooperative association into a domestic ordinary business corporation, the association shall follow the same procedures as hereinabove provided for merger of domestic cooperative associations and the ordinary business corporation shall follow the applicable procedures set forth in chapter 23A.20 RCW.

(9) At any time prior to filing of the articles of merger, the merger may be abandoned pursuant to provisions therefor, if any, set forth in the plan of merger.

(10) A member of a cooperative association, or shareholder of the ordinary business corporation, who dissents from the plan of merger shall have the same right of dissent and payment and in accordance with the same applicable procedures, as are provided for dissenting shareholders with respect to merger of ordinary business corporations under chapter 23A.24 RCW.

NEW SECTION. Sec. 36. There is added to chapter 23.86 RCW a new section to read as follows:

The members of any association may by the vote of two-thirds of the members voting thereon, at any regular meeting or at any special meeting called for that purpose, vote to dissolve said association after notice of the proposed dissolution has been given to all members entitled to vote thereon, in the manner provided by the bylaws, and thereupon such proceeding shall be had for the dissolution of said association as is provided by law for the dissolution of corporations organized under chapter 24.06 RCW: PROVIDED, That if the total vote upon the proposed dissolution shall be less than twenty-five percent of the total membership of the association, the dissolution shall not be approved. At the meeting, members may vote upon the proposed dissolution in person, or by written proxy, or by mailed ballot.

Sec. 37. Section 22, chapter 115, Laws of 1921 as amended by section 1, chapter 86, Laws of 1979 and RCW 24.32.300 are each amended to read as follows:

The members of any association may by the vote of two-thirds ((vote)) of ((all such)) the members voting thereon, at any regular meeting or at ((a)) any special meeting ((regularly)) called for that purpose, vote to dissolve said association after notice of the proposed dissolution has been given to all members entitled to vote thereon, in the manner provided by the bylaws, and thereupon such proceedings shall be had for the dissolution of said association as is provided by law for the dissolution of corporations organized under chapter 24.06 RCW(:

~~If the association has more than ten thousand members, the decision to dissolve the association may be made by the vote of two-thirds of the members voting thereon after notice of the proposed dissolution has been given to all members entitled to vote thereon, in the manner provided by the bylaws))~~: PROVIDED, That if the total vote upon the proposed dissolution shall be less than twenty-five percent of the total membership of the association, the dissolution shall not be approved.

NEW SECTION. Sec. 38. There is added to chapter 23.86 RCW a new section to read as follows:

Any cooperative association organized under any other statute may be reorganized under the provisions of this chapter by adopting and filing amendments to its articles of association in accordance with the provisions of this chapter for amending articles of association. The articles of association as amended must conform to the requirements of this chapter, and shall state that the cooperative association accepts the benefits and will be bound by the provisions of this chapter.

NEW SECTION. Sec. 39. Section 16, chapter 19, Laws of 1913 and RCW 23.86.190 are each hereby repealed.

Sec. 40. Section 15.66.150, chapter 11, Laws of 1961 as amended by section 1, chapter 93, Laws of 1979 ex. sess. and RCW 15.66.150 are each amended to read as follows:

There is hereby levied, and there shall be collected by each commission, upon each and every unit of any agricultural commodity specified in any marketing order an annual assessment which shall be paid by the producer thereof upon each and every such unit sold, processed, stored or delivered for sale, processing or storage by him. Such assessments shall be expressed as a stated amount of money per unit or as a percentage of the net unit price at the time of sale. The total amount of such annual assessment to be paid by all affected producers of such commodity shall not exceed three percent of the total market value of all affected units sold, processed, stored or delivered for sale, processing or storage by all affected producers of such units during the year to which the assessment applies.

Every marketing order shall prescribe the per unit or percentage rate of such assessment. Such rate may be at the full amount of, or at any lesser amount than the amount hereinabove limited and may be altered from time to time by amendment of such order. In every such marketing order and amendment the determination of such rate shall be based upon the volume and price of sales of affected units during a period which the director determines to be a representative period. The per unit or percentage rate of assessment prescribed in any such order or amendment shall for all purposes and times be deemed to be within the limits of assessment above provided until such time as such order is amended as to such rate. However, at the end of any year, any affected producer may obtain a refund from the commission of any assessment payments made which exceed three percent of the total market value of all of the affected commodity sold, processed, stored or delivered for sale, processing or storage by such producer during the year. Such refund shall be made only upon satisfactory proof given by such producer in accordance with reasonable rules and regulations prescribed by the director. Such market value shall be based upon the average sales price received by such producer during the year from all his bona fide sales or, if such producer did not sell twenty-five percent or more of all of the affected commodity produced by him during the year, such market value shall be determined by the director upon other sales of the affected commodity determined by the director to be representative and comparable. ~~((No assessment or rate or amendment thereof shall apply in any order unless and until confirmed by a majority of affected producers participating in a vote taken in the manner by this chapter providing for the election of commission members:))~~

To collect such assessment each order may require:

(1) Stamps to be purchased from the affected commodity commission or other authority stated in such order and attached to the containers, invoices, shipping documents, inspection certificates, releases, or receiving receipts or

tickets (said stamps to be canceled immediately upon being attached and the date of cancellation placed thereon).

(2) Payment of producer assessments before the affected units are shipped off the farm or payment of assessments at different or later times, and in such event the order may require any person subject to the assessment to give adequate assurance or security for its payment.

(3) Every affected producer subject to assessment under such order to deposit with the commission in advance an amount based on the estimated number of affected units upon which such person will be subject to such assessment in any one year during which such marketing order is in force, or upon any other basis which the director determines to be reasonable and equitable and specifies in such order, but in no event shall such deposit exceed twenty-five percent of the estimated total annual assessment payable by such person. At the close of such marketing year the sums so deposited shall be adjusted to the total of such assessments payable by such person.

(4) Handlers receiving the affected commodity from the producer, including warehousemen and processors, to collect producer assessments from producers whose production they handle and remit the same to the affected commission. The lending agency for a commodity credit corporation loan to producers shall be deemed a handler for the purpose of this subsection. No affected units shall be transported, carried, shipped, sold, stored or otherwise handled or disposed of until every due and payable assessment herein provided for has been paid and the receipt issued, but no liability hereunder shall attach to common carriers in the regular course of their business.

NEW SECTION. Sec. 41. (1) The following acts or parts of acts are hereby repealed:

- (a) Section 15.36.050, chapter 11, Laws of 1961 and RCW 15.36.050;
- (b) Section 15.52.020, chapter 11, Laws of 1961 and RCW 15.52.020;
- (c) Section 15.52.030, chapter 11, Laws of 1961 and RCW 15.52.030;

and

- (d) Section 15.52.040, chapter 11, Laws of 1961 and RCW 15.52.040.

(2) These repeals shall not be construed as affecting any existing right acquired under the statutes repealed or under any rule, regulation, or order adopted pursuant thereto; nor as affecting any proceeding instituted thereunder; nor as affecting any action taken by any chemists of the department of agriculture.

NEW SECTION. Sec. 42. (1) There is appropriated to the grain and hay inspection revolving fund, from the grain and hay inspection fund the sum of four million dollars, or so much thereof as may be in the fund on the effective date of this act, to be used solely for the purpose of carrying out the provisions of chapter 22.09 RCW and rules adopted thereunder.

(2) Section 51, chapter 124, Laws of 1963 and RCW 22.09.510 are each repealed. The provisions of this subsection and of section 25 of this act

shall take effect immediately after the appropriation in subsection (1) of this section has been made.

NEW SECTION. Sec. 43. 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.

NEW SECTION. Sec. 44. Section 17 of 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 June 30, 1981.

Passed the House April 25, 1981.

Passed the Senate April 24, 1981.

Approved by the Governor May 19, 1981.

Filed in Office of Secretary of State May 19, 1981.

CHAPTER 298

[Engrossed Substitute Senate Bill No. 3188]

JUVENILES—CRISIS INTERVENTION—FAMILY RECONCILIATION SERVICES

AN ACT Relating to juveniles; amending section 18, chapter 155, Laws of 1979 and RCW 13.32A.040; amending section 19, chapter 155, Laws of 1979 and RCW 13.32A.050; amending section 20, chapter 155, Laws of 1979 and RCW 13.32A.060; amending section 21, chapter 155, Laws of 1979 and RCW 13.32A.070; amending section 22, chapter 155, Laws of 1979 and RCW 13.32A.080; amending section 23, chapter 155, Laws of 1979 and RCW 13.32A.090; amending section 24, chapter 155, Laws of 1979 and RCW 13.32A.100; amending section 27, chapter 155, Laws of 1979 and RCW 13.32A.130; amending section 28, chapter 155, Laws of 1979 and RCW 13.32A.140; amending section 29, chapter 155, Laws of 1979 and RCW 13.32A.150; amending section 31, chapter 155, Laws of 1979 and RCW 13.32A.170; amending section 33, chapter 155, Laws of 1979 and RCW 13.32A.190; amending section 17, chapter 172, Laws of 1967 as last amended by section 22, chapter 165, Laws of 1979 ex. sess. and RCW 74.13.031; amending section 80, chapter 155, Laws of 1979 as amended by section 21, chapter 165, Laws of 1979 ex. sess. and RCW 74.13.034; amending section 82, chapter 155, Laws of 1979 and RCW 74.13.036; adding new sections to chapter 13.32A RCW; creating a new section; and prescribing penalties.

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

Section 1. Section 18, chapter 155, Laws of 1979 and RCW 13.32A.040 are each amended to read as follows:

Families who are in conflict may request ~~((crisis intervention))~~ family reconciliation services from the department. Such services shall be provided to alleviate personal or family situations which present a serious and imminent threat to the health or stability of the child or family and to maintain families intact wherever possible. ~~((Crisis intervention))~~ Family reconciliation services shall be designed to develop skills and supports within families to resolve family conflicts and may include but are not limited to referral to