

Any person who (~~operates a motor vehicle over~~) uses a toll bridge, toll tunnel, toll road, or toll ferry, and the approaches thereto, operated by the state of Washington, the department of transportation, or any political subdivision or municipal corporation empowered to operate toll facilities, at the entrance to which appropriate signs have been erected to notify both pedestrian and vehicular traffic that it is entering a toll facility or its approaches and is subject to the payment of tolls at the designated station for collecting tolls, commits a traffic infraction if:

(1) (~~He~~) Such person refuses to pay, evades, or attempts to evade the payment of such tolls, or uses or attempts to use any spurious or counterfeit tickets, coupons, or tokens for payment of any such tolls, or

(2) (~~He~~) Such person turns, or attempts to turn, the vehicle around in the bridge, tunnel, loading terminal, approach, or toll plaza where signs have been erected forbidding such turns, or

(3) (~~He refuses to pass~~) Such person refuses to move a vehicle through the toll gates after having come within the area where signs have been erected notifying traffic that it is entering the area where toll is collectible or where vehicles may not turn around and where vehicles are required to pass through the toll gates for the purpose of collecting tolls.

Passed the Senate April 23, 1983.

Passed the House April 13, 1983.

Approved by the Governor May 17, 1983.

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CHAPTER 248

[Engrossed Senate Bill No. 3297]

DEPARTMENT OF AGRICULTURE—ORGANIZATION—PROCEDURES—
AUTHORITIES—DIRECTOR TO SERVE ON CONSERVATION COMMISSION

AN ACT Relating to the department of agriculture; amending section 14, chapter 240, Laws of 1967 and RCW 43.23.005; amending section 43.23.010, chapter 8, Laws of 1965 as amended by section 1, chapter 240, Laws of 1967 and RCW 43.23.010; amending section 15, chapter 240, Laws of 1967 and RCW 43.23.015; amending section 43.23.030, chapter 8, Laws of 1965 as amended by section 3, chapter 240, Laws of 1967 and RCW 43.23.030; amending section 43.23.050, chapter 8, Laws of 1965 as amended by section 5, chapter 240, Laws of 1967 and RCW 43.23.050; amending section 43.23.070, chapter 8, Laws of 1965 as amended by section 7, chapter 240, Laws of 1967 and RCW 43.23.070; amending section 43.23.090, chapter 8, Laws of 1965 as amended by section 9, chapter 240, Laws of 1967 and RCW 43.23.090; amending section 43.23.110, chapter 8, Laws of 1965 as amended by section 11, chapter 240, Laws of 1967 and RCW 43.23.110; amending section 13, chapter 240, Laws of 1967 and RCW 43.23.160; amending section 3, chapter 304, Laws of 1955 as last amended by section 4, chapter 184, Laws of 1973 1st ex. sess. and RCW 89.08.030; adding a new section to chapter 41.06 RCW; adding new sections to chapter 43.23 RCW; repealing section 43.23.020, chapter 8, Laws of 1965, section 2, chapter 240, Laws of 1967 and RCW 43.23.020; repealing section 43.23.040, chapter 8, Laws of 1965, section 4, chapter 240, Laws of 1967 and RCW 43.23.040; repealing section 43.23.060, chapter 8, Laws of 1965, section 6, chapter 240, Laws of 1967 and RCW 43.23.060; repealing section 43.23.080, chapter 8, Laws of 1965, section 8, chapter 240, Laws of 1967 and RCW 43.23.080; repealing section 43.23.100, chapter 8,

Laws of 1965, section 10, chapter 240, Laws of 1967 and RCW 43.23.100; and repealing section 12, chapter 240, Laws of 1967 and RCW 43.23.150.

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

NEW SECTION. Sec. 1. There is added to chapter 43.23 RCW a new section to read as follows:

The executive and administrative head of the department of agriculture shall be the director. The director shall be appointed by the governor with the consent of the senate and shall have complete charge of and supervisory power over the department. The director shall be paid a salary fixed by the governor in accordance with RCW 43.03.040.

Sec. 2. Section 14, chapter 240, Laws of 1967 and RCW 43.23.005 are each amended to read as follows:

The director of agriculture may appoint ~~((an assistant director to act as))~~ a deputy director who shall assist the director in the administration of the affairs of the department and who shall have charge and general supervision of the department in the absence or disability of the director, and who, in case a vacancy occurs in the office of director, shall continue in charge of the department until a director is appointed and qualified, or the governor appoints an acting director.

Sec. 3. Section 43.23.010, chapter 8, Laws of 1965 as amended by section 1, chapter 240, Laws of 1967 and RCW 43.23.010 are each amended to read as follows:

The department of agriculture shall be organized into ~~((six divisions, to be known as, (1) the division of agricultural development, (2) the division of plant industry, (3) the division of animal industry, (4) the division of dairy and food, (5) the division of grain and agricultural chemicals, and (6) the division of regulatory services))~~ administrative divisions that the director deems necessary to promote efficient public management, to improve programs, and to take full advantage of both fiscal and administrative economies. The director shall appoint and deputize not more than six assistant directors as necessary to administer the several divisions within the department. The director shall appoint and deputize a state veterinarian who shall be an experienced veterinarian properly licensed to practice veterinary medicine in this state. The officers appointed under this section shall be paid salaries in an amount fixed by the governor.

The director of agriculture shall have charge and general supervision of the department and may assign ~~((the supervision))~~ supervisory and ((administration)) administrative duties ((not specified herein)) other than those specified in RCW 43.23.070 to the division which in his judgment can most efficiently carry on those functions.

Sec. 4. Section 15, chapter 240, Laws of 1967 and RCW 43.23.015 are each amended to read as follows:

Except for the functions specified in RCW 43.23.070, the director may, at his discretion, reassign any of the functions delegated to the various divisions of the department under the provisions of this chapter or any other law to any other division of the department. ~~((The director of agriculture may, if it will best serve the said public interest as herein described, establish when necessary additional divisions by adopting the necessary regulations in the manner provided for under chapter 34.04 RCW as enacted or hereafter amended. Such additional divisions shall have the same authority and powers as those divisions specifically named and established under the provisions of this chapter. The director may assign one or more of the various functions assigned to those divisions specifically named under the provisions of this chapter to said divisions established by regulation, or any other duties hereafter delegated to the department by law.))~~

Sec. 5. Section 43.23.030, chapter 8, Laws of 1965 as amended by section 3, chapter 240, Laws of 1967 and RCW 43.23.030 are each amended to read as follows:

The director of agriculture ~~((, through the division of agricultural development,))~~ shall exercise all the powers and perform all the duties relating to the development of markets, for agricultural products, state and federal cooperative marketing programs, land utilization for agricultural purposes, water resources, transportation, and farm labor as such matters relate to the production, distribution and sale of agricultural commodities.

Sec. 6. Section 43.23.050, chapter 8, Laws of 1965 as amended by section 5, chapter 240, Laws of 1967 and RCW 43.23.050 are each amended to read as follows:

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

- (1) Exercise all the powers and perform all the duties prescribed by law relating to horticulture, and horticultural plants and products;
- (2) Enforce and supervise the administration of all laws relating to horticulture, horticultural products, and horticultural interests.

Sec. 7. Section 43.23.070, chapter 8, Laws of 1965 as amended by section 7, chapter 240, Laws of 1967 and RCW 43.23.070 are each amended to read as follows:

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

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

Sec. 8. Section 43.23.090, chapter 8, Laws of 1965 as amended by section 9, chapter 240, Laws of 1967 and RCW 43.23.090 are each amended to read as follows:

The director of agriculture(~~(; through the division of dairy and food;)~~) shall exercise all powers and perform all duties prescribed by law with respect to the inspection of foods, food products, drinks, milk and milk products, and dairies and dairy products and the components thereof.

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

Sec. 9. Section 43.23.110, chapter 8, Laws of 1965 as amended by section 11, chapter 240, Laws of 1967 and RCW 43.23.110 are each amended to read as follows:

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

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

Sec. 10. Section 13, chapter 240, Laws of 1967 and RCW 43.23.160 are each amended to read as follows:

The director of agriculture(~~(; through the division of regulatory services;)~~) shall exercise all the powers and perform all the duties prescribed by law relating to commission merchants, livestock identification, livestock brand registration and inspection. All officers appointed to enforce these laws who have successfully completed a course of training prescribed by the Washington state criminal justice training commission shall have the authority generally vested in a peace officer solely for the purpose of enforcing these laws.

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

NEW SECTION. Sec. 11. There is added to chapter 41.06 RCW a new section to read as follows:

In addition to the exemptions set forth in RCW 41.06.070, the provisions of this chapter shall not apply in the department of agriculture to the director, the director's confidential secretary, the deputy director, not more than six assistant directors, and the state veterinarian.

NEW SECTION. Sec. 12. There is added to chapter 43.23 RCW a new section to read as follows:

The director of agriculture may enter written agreements with one or more agencies of the United States to act as the federal government's agent for determining the disposition of livestock impounded on the federal Hanford reservation. The director's authority under such an agreement may include, but is not limited to, selling or donating, on behalf of the federal government, unclaimed livestock to a qualified person, organization, or governmental agency that the director determines to be capable of humanely transporting and caring for the livestock. The director may sell or donate such livestock only if the livestock remains unclaimed after the completion of a reasonable attempt to ascertain ownership and, if ownership is not otherwise determined, by the publication of notice that the livestock has been impounded on the reservation.

Sec. 13. Section 3, chapter 304, Laws of 1955 as last amended by section 4, chapter 184, Laws of 1973 1st ex. sess. and RCW 89.08.030 are each amended to read as follows:

There is hereby established to serve as an agency of the state and to perform the functions conferred upon it (~~(in this 1973 amendatory act)~~) by law, the state conservation commission, which shall succeed to all powers, duties and property of the state soil and water conservation committee.

The commission shall consist of (~~(seven)~~) eight members, (~~(two)~~) three of whom are ex officio. Two members shall be appointed by the governor, one of whom shall be a landowner or operator of a farm. At least two of the three elected members shall be landowners or operators of a farm and shall be elected as herein provided. The appointed members shall serve for a term of four years.

The three elected members shall be elected for three-year terms, one shall be elected each year by the district supervisors at their annual state-wide meeting. One of the members shall reside in eastern Washington, one in central Washington and one in western Washington, the specific boundaries to be determined by district supervisors. At the first such election, the term of the member from western Washington shall be one year, central Washington two years and eastern Washington three years, and successors shall be elected for three years.

Unexpired term vacancies in the office of appointed commission members shall be filled by appointment by the governor in the same manner as full-term appointments. Unexpired terms of elected commission members shall be filled by the regional vice president of the Washington association of conservation districts who is serving that part of the state where the vacancy occurs, such term to continue only until district supervisors can fill the unexpired term by electing the commission member.

The director of the department of ecology, the director of the department of agriculture, and the dean of the college of agriculture at Washington State University shall be ex officio members of the commission.

An ex officio member of the commission shall hold office so long as he retains the office by virtue of which he is a member of the commission. Ex officio members may delegate their authority.

The commission may invite appropriate officers of cooperating organizations, state and federal agencies to serve as advisers to the conservation commission.

NEW SECTION. Sec. 14. The following acts or parts of acts are each repealed:

(1) Section 43.23.020, chapter 8, Laws of 1965, section 2, chapter 240, Laws of 1967 and RCW 43.23.020;

(2) Section 43.23.040, chapter 8, Laws of 1965, section 4, chapter 240, Laws of 1967 and RCW 43.23.040;

(3) Section 43.23.060, chapter 8, Laws of 1965, section 6, chapter 240, Laws of 1967 and RCW 43.23.060;

(4) Section 43.23.080, chapter 8, Laws of 1965, section 8, chapter 240, Laws of 1967 and RCW 43.23.080;

(5) Section 43.23.100, chapter 8, Laws of 1965, section 10, chapter 240, Laws of 1967 and RCW 43.23.100; and

(6) Section 12, chapter 240, Laws of 1967 and RCW 43.23.150.

Passed the Senate April 22, 1983.

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CHAPTER 249

[Engrossed Substitute Senate Bill No. 3308]

HOME HEALTH CARE—HOSPICE CARE—INSURANCE COVERAGE— REGULATIONS

AN ACT Relating to insurance; adding a new section to chapter 48.21 RCW; adding a new section to chapter 48.21A RCW; adding a new section to chapter 48.44 RCW; adding a new chapter to Title 70 RCW; and providing an effective date.

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

NEW SECTION. Sec. 1. There is added to chapter 48.21 RCW a new section to read as follows:

(1) Every insurer issuing or renewing group or blanket disability insurance policies governed by this chapter shall offer optional coverage for home health care and hospice care for persons who are homebound and would otherwise require hospitalization. Such optional coverage need only be offered in conjunction with a policy that provides payment for hospitalization as a part of health care coverage.

(2) Home health care and hospice care coverage offered under subsection (1) of this section shall conform to the following standards, limitations, and restrictions: