

the proposed service territory. Any proposed rate less than eighty percent of the lowest rate of the foregoing services shall be deemed reasonable as a matter of law and shall be approved.

NEW SECTION. Sec. 8. The commission shall have continuing jurisdiction to regulate heat suppliers as provided in this chapter to ensure compliance with the terms of any operating permit issued in accordance with this chapter.

NEW SECTION. Sec. 9. This chapter expires July 1, 2003, but suppliers may continue to operate under this chapter for ten years from the date of issue of their first operating permit.

NEW SECTION. Sec. 10. 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. 11. Sections 1 through 8 of this act constitute a new chapter in Title 80 RCW.

Passed the House April 13, 1983.

Passed the Senate April 11, 1983.

Approved by the Governor April 22, 1983.

Filed in Office of Secretary of State April 22, 1983.

CHAPTER 95

[Substitute House Bill No. 118]

PESTICIDE REGISTRATION—DEALER LICENSING—APPLE ASSESSMENTS

AN ACT Relating to agriculture; amending section 15.24.090, chapter 11, Laws of 1961 as last amended by section 1, chapter 20, Laws of 1979 and RCW 15.24.090; amending section 7, chapter 190, Laws of 1971 ex. sess. and RCW 15.58.070; amending section 8, chapter 190, Laws of 1971 ex. sess. and RCW 15.58.080; amending section 18, chapter 190, Laws of 1971 ex. sess. as amended by section 27, chapter 182, Laws of 1982 and RCW 15.58.180; amending section 21, chapter 190, Laws of 1971 ex. sess. and RCW 15.58.210; amending section 23, chapter 100, Laws of 1969 ex. sess. and RCW 15.80.520; amending section 17, chapter 249, Laws of 1961 as last amended by section 10, chapter 177, Laws of 1967 and RCW 17.21.170; and amending section 30, chapter 257, Laws of 1945 and RCW 69.04.120.

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

Sec. 1. Section 15.24.090, chapter 11, Laws of 1961 as last amended by section 1, chapter 20, Laws of 1979 and RCW 15.24.090 are each amended to read as follows:

If it appears from investigation by the commission that the revenue from the assessment levied on fresh apples (~~hereunder~~) under this chapter is inadequate to accomplish the purposes of this chapter, the commission shall adopt a resolution setting forth the necessities of the industry, the extent and probable cost of the required research, market promotion, and advertising, the extent of public convenience, interest, and necessity, and probable

revenue from the assessment levied. It shall thereupon increase the assessment to ~~((such))~~ a sum ~~((as shall be))~~ determined by the commission to be necessary for ~~((such))~~ those purposes based upon a rate per one hundred pounds of apples, gross billing weight, shipped in bulk, container, or any style of package ~~((but no increase shall be made prior to adoption of said resolution))~~. An increase ~~((shall))~~ becomes effective sixty days after ~~((such))~~ the resolution is adopted ~~((PROVIDED, That no increase in such assessment shall become effective unless the same))~~ or on any other date provided for in the resolution, but shall be first referred by the commission to a referendum mail ballot by the apple growers of this state conducted under the supervision of the director and be approved by a majority of ~~((such))~~ the growers voting ~~((thereon))~~ on it and also be approved by voting growers who operate more than fifty percent of the acreage voted in the same election ~~((PROVIDED, FURTHER, That))~~. After ~~((such))~~ the mail ballot, if ~~((the same be))~~ favorable to ~~((such))~~ the increase, the commission shall nevertheless exercise its independent judgment and discretion as to whether or not to approve ~~((such))~~ the increase.

Sec. 2. Section 7, chapter 190, Laws of 1971 ex. sess. and RCW 15.58-.070 are each amended to read as follows:

(1) Any person desiring to register a pesticide with the department shall pay to the director an annual registration fee of ~~((ten))~~ twenty dollars for each pesticide registered by the department for such person. All ~~((such))~~ pesticide registrations ~~((shall))~~ expire on December 31st of ~~((any one))~~ each year.

(2) Any registration approved by the director and in effect on the 31st day of December for which a renewal application has been made and the proper fee paid, ~~((shall))~~ continues in full force and effect until ~~((such time as))~~ the director notifies the applicant that the registration has been renewed, or otherwise denied in accord with the provision of RCW 15.58.110.

Sec. 3. Section 8, chapter 190, Laws of 1971 ex. sess. and RCW 15.58-.080 are each amended to read as follows:

If the renewal of a pesticide registration is not filed ~~((prior to))~~ before January 1st of ~~((any one))~~ each year, an additional fee of ~~((five))~~ ten dollars shall be assessed and added to the original fee ~~((and))~~. The additional fee shall be paid by the applicant before the registration renewal for that pesticide shall be issued ~~((PROVIDED, That such additional fee shall not apply if))~~ unless the applicant furnishes an affidavit certifying that he did not distribute ~~((such))~~ the unregistered pesticide during the period of non-registration. The payment of ~~((such))~~ the additional fee is not a bar to any prosecution for doing business without proper registry.

Sec. 4. Section 18, chapter 190, Laws of 1971 ex. sess. as amended by section 27, chapter 182, Laws of 1982 and RCW 15.58.180 are each amended to read as follows:

(1) It ~~((shall be))~~ is unlawful for any person to act in the capacity of a pesticide dealer~~((;))~~ or advertise as~~((;))~~ or assume to act as a pesticide dealer ~~((at any time))~~ without first having obtained an annual license from the director. The license shall expire on the master license expiration date. A license ~~((shall be))~~ is required for each location or outlet located within this state from which ~~((such))~~ pesticides are distributed~~((PROVIDED; That any))~~. A manufacturer, registrant, or distributor who has no pesticide dealer outlet licensed within this state and who distributes such pesticides directly into this state shall obtain a pesticide dealer license for his principal out-of-state location or outlet~~((PROVIDED FURTHER, That))~~, but such licensed out-of-state pesticide dealer ~~((shall be))~~ is exempt from the pesticide dealer manager requirements.

(2) Application for a license shall be accompanied by a ~~((ten))~~ twenty dollar annual license fee and shall be made through the master license system and shall include the full name of the person applying for ~~((such))~~ the license and the name of the individual within the state designated as the pesticide dealer manager. If ~~((such))~~ the applicant is a partnership, association, corporation, or organized group of persons, the full name of each member of the firm or partnership or the names of the officers of the association or corporation shall be given on the application. ~~((Such))~~ The application shall further state the principal business address of the applicant in the state and elsewhere, the name of a person domiciled in this state authorized to receive and accept service of summons of legal notices of all kinds for the applicant, and any other necessary information prescribed by the director.

(3) It ~~((shall be))~~ is unlawful for any licensed dealer outlet to operate without a pesticide dealer manager who has a license of qualification. The department shall be notified forthwith of any change in the pesticide dealer manager designee during the licensing period.

(4) ~~((Provisions of))~~ This section ~~((shall))~~ does not apply to (a) a licensed pesticide applicator who sells pesticides only as an integral part of his pesticide application service when such pesticides are dispensed only through apparatuses used for such pesticide application~~((;))~~, or (b) any federal, state, county, or municipal agency ~~((which))~~ that provides pesticides only for its own programs.

Sec. 5. Section 21, chapter 190, Laws of 1971 ex. sess. and RCW 15-.58.210 are each amended to read as follows:

No individual ~~((shall))~~ may perform services as a pest control consultant ~~((after February 28, 1973;))~~ without ~~((first))~~ obtaining from the director an annual license, which license shall expire on the final day of February of each year. Application for a license shall be on a form prescribed by the director and shall be accompanied by a fee of ~~((ten))~~ twenty dollars~~((PROVIDED, That))~~. Licensed pesticide applicators and operators; employees of federal, state, county, or municipal agencies when acting in their official

capacities; and pesticide dealer managers and employees working under the direct supervision of the pesticide dealer manager and only at a licensed pesticide dealer's outlet, ~~((shall be))~~ are exempt from this licensing provision.

Sec. 6. Section 23, chapter 100, Laws of 1969 ex. sess. and RCW 15-80.520 are each amended to read as follows:

Certification of weights shall be made by means of an impression seal, the impress of which shall be placed by the weighmaster or weigher making the weight determination upon the weights shown on the weight tickets. The impression seal shall be procured from the director upon the payment of ~~((an annual))~~ a fee of five dollars, and such fee shall accompany the applicant's application for a weighmaster's license. ~~((Such))~~ The seal shall be retained by the weighmaster upon payment of an annual renewal fee of five dollars, and the fee shall accompany the annual renewal application for a weighmaster's license. Any replacement seal needed shall be procured from the director upon payment to the department of the cost for such replacement. An impression seal shall be used only at the scale to which it is assigned, and ~~((shall))~~ remains the property of the state and shall be returned forthwith to the director upon the termination, suspension, or revocation of the weighmaster's license.

Sec. 7. Section 17, chapter 249, Laws of 1961 as last amended by section 10, chapter 177, Laws of 1967 and RCW 17.21.170 are each amended to read as follows:

The amount of the surety bond or liability insurance as provided for in RCW 17.21.160 shall be not less than ~~((twenty-five))~~ fifty thousand dollars for property damage and public liability insurance, each separately, and including loss or damage arising out of the actual use of any pesticide. ~~((Such))~~ The surety bond or liability insurance shall be maintained at not less than that sum at all times during the licensed period. The director shall be notified ten days ~~((prior to))~~ before any reduction at the request of the applicant or cancellation of ~~((such))~~ the surety bond or liability insurance by the surety or insurer~~((: PROVIDED, That))~~. The total and aggregate of the surety and insurer for all claims ~~((shall be))~~ is limited to the face of the bond or liability insurance policy~~((: PROVIDED, FURTHER, That))~~. The director may accept a liability insurance policy or surety bond in the proper sum which has a deductible clause in an amount not exceeding ~~((five hundred dollars for aerial applicators and two hundred and fifty))~~ five thousand dollars for all ~~((other))~~ applicators for the total amount of liability insurance or surety bond required ~~((herein: AND PROVIDED FURTHER, That))~~ by this section, but if the applicant has not satisfied the requirement of the deductible amount in any prior legal claim ~~((such))~~ the deductible clause shall not be accepted by the director unless ~~((such))~~ the applicant furnishes the director with a surety bond or liability insurance which shall

satisfy the amount of the deductible as to all claims that may arise in his application of pesticides.

Sec. 8. Section 30, chapter 257, Laws of 1945 and RCW 69.04.120 are each amended to read as follows:

When the director has embargoed an article, he shall, forthwith and without delay and in no event later than ~~((ten))~~ twenty days after the affixing of notice of its embargo, petition the superior court for an order affirming ~~((such))~~ the embargo. ~~((Such))~~ The court ~~((shall))~~ then ~~((have))~~ has jurisdiction, for cause shown and after prompt hearing to any claimant of ~~((such))~~ the embargoed article, to issue an order which directs the removal of ~~((such))~~ the embargo or the destruction or the correction and release of ~~((such))~~ the article. An order for destruction or correction and release shall contain such provision for the payment of pertinent court costs and fees and administrative expenses(;) as is equitable and which the court deems appropriate in the circumstances. An order for correction and release may contain such provision for a bond(;) as the court finds indicated in the circumstances.

Passed the House February 8, 1983.

Passed the Senate April 13, 1983.

Approved by the Governor April 22, 1983.

Filed in Office of Secretary of State April 22, 1983.

CHAPTER 96

[Engrossed House Bill No. 153]

CAMPAIGN FUNDS—TRANSFERS—REPORTING

AN ACT Relating to reporting transfer of funds by political committees or candidates; and amending section 9, chapter 1, Laws of 1973 as last amended by section 7, chapter 147, Laws of 1982 and RCW 42.17.090.

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

Sec. 1. Section 9, chapter 1, Laws of 1973 as last amended by section 7, chapter 147, Laws of 1982 and RCW 42.17.090 are each amended to read as follows:

(1) Each report required under RCW 42.17.080 (1) and (2), as now or hereafter amended, shall disclose for the period beginning at the end of the period for the last report or, in the case of an initial report, at the time of the first contribution or expenditure, and ending not more than five days prior to the date the report is due:

(a) The funds on hand at the beginning of the period;

(b) The name and address of each person who has made one or more contributions during the period, together with the money value and date of such contributions and the aggregate value of all contributions received from each such person during the campaign or in the case of a continuing