

Washington State University, and the cooperative extension in survey work conducted to carry out this section.

(2) A study of the possibilities for recycling, treatment, or disposal of these wastes in cost-effective ways that protect the environment and public health.

(3) Liability for the recycling, treatment, or disposal of the wastes.

(4) A suggested program to be supervised by the department of ecology for collection of small quantities of hazardous waste from farmers, these wastes to be recycled, treated, or disposed of in an environmentally safe manner. Planning for this program shall include strategies for education of farmers and the public about hazardous waste disposal and the program, and a program of notification. The department shall estimate costs and suggest means of funding.

NEW SECTION. Sec. 2. There is appropriated from the general fund to the department of ecology, for the biennium ending June 30, 1987, the sum of forty-nine thousand five hundred dollars, or so much thereof as may be necessary, to carry out the purposes of this act.

Passed the Senate March 10, 1986.

Passed the House March 5, 1986.

Approved by the Governor April 1, 1986.

Filed in Office of Secretary of State April 1, 1986.

CHAPTER 202

[Engrossed Substitute House Bill No. 1355]

HORSES—MARKETING OF WASHINGTON-BRED HORSES

AN ACT Relating to the department of agriculture; amending RCW 43.23.035, 82.08-.0293, and 82.12.0293; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; creating a new section; and making an appropriation.

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

Sec. 1. Section 3, chapter 159, Laws of 1985 and RCW 43.23.035 are each amended to read as follows:

The department of agriculture is hereby designated as the agency of state government for the administration and implementation of state agricultural market development programs and activities, both domestic and foreign, and shall, in addition to the powers and duties otherwise imposed by law, have the following powers and duties:

(1) To study the potential marketability of various agricultural commodities of this state in foreign and domestic trade;

(2) To collect, prepare, and analyze foreign and domestic market data;

(3) To establish a program to promote and assist in the marketing of Washington-bred horses: PROVIDED, That the department shall present a

proposal to the legislature no later than December 1, 1986, that provides for the elimination of all state funding for the program after June 30, 1989;

(4) To encourage and promote the sale of Washington's agricultural commodities and products at the site of their production through the development and dissemination of referral maps and other means;

((4)) (5) To encourage and promote those agricultural industries, such as the wine industry, which attract visitors to rural areas in which other agricultural commodities and products are produced and are, or could be, made available for sale;

((5)) (6) To encourage and promote the establishment and use of public markets in this state for the sale of Washington's agricultural products;

((6)) (7) To maintain close contact with foreign firms and governmental agencies and to act as an effective intermediary between foreign nations and Washington traders;

((7)) (8) To publish and disseminate to interested citizens and others information which will aid in carrying out the purposes of chapters 43.23, 15.64, 15.65, and 15.66 RCW;

((8)) (9) To encourage and promote the movement of foreign and domestic agricultural goods through the ports of Washington;

((9)) (10) To conduct an active program by sending representatives to, or engaging representatives in, foreign countries to promote the state's agricultural commodities and products;

((10)) (11) To assist and to make Washington agricultural concerns more aware of the potentials of foreign trade and to encourage production of those commodities that will have high export potential and appeal;

((11)) (12) To coordinate the trade promotional activities of appropriate federal, state, and local public agencies, as well as civic organizations; and

((12)) (13) To develop a coordinated marketing program with the department of ~~(commerce)~~ trade and economic development, utilizing existing trade offices and participating in mutual trade missions and activities.

As used in this section, "agricultural commodities" includes products of both terrestrial and aquatic farming.

NEW SECTION. Sec. 2. The sum of forty-five thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1987, from the general fund to the department of agriculture to implement section 1(3) of this act.

***NEW SECTION.** Sec. 3. *A new section is added to chapter 82.08 RCW to read as follows:*

The tax levied by RCW 82.08.020 shall not apply to sales of feed consumed by livestock at a public livestock market.

*Sec. 3 was vetoed, see message at end of chapter.

***NEW SECTION. Sec. 4.** A new section is added to chapter 82.12 RCW to read as follows:

The provisions of this chapter shall not apply with respect to the use of feed consumed by livestock at a public livestock market.

*Sec. 4 was vetoed, see message at end of chapter.

***Sec. 5. Section 33, chapter 35, Laws of 1982 1st ex. sess. as amended by section 1, chapter 104, Laws of 1985 and RCW 82.08.0293 are each amended to read as follows:**

(1) The tax levied by RCW 82.08.020 shall not apply to sales of food products for human consumption.

"Food products" include cereals and cereal products, oleomargarine, meat and meat products including livestock sold for personal consumption, fish and fish products, eggs and egg products, vegetables and vegetable products, fruit and fruit products, spices and salt, sugar and sugar products, coffee and coffee substitutes, tea, cocoa and cocoa products.

"Food products" include milk and milk products, milk shakes, malted milks, and any other similar type beverages which are composed at least in part of milk or a milk product and which require the use of milk or a milk product in their preparation.

"Food products" include all fruit juices, vegetable juices, and other beverages except bottled water, spirituous, malt or vinous liquors or carbonated beverages, whether liquid or frozen.

"Food products" do not include medicines and preparations in liquid, powdered, granular, tablet, capsule, lozenge, and pill form sold as dietary supplements or adjuncts.

The exemption of "food products" provided for in this subsection shall not apply: (a) When the food products are furnished, prepared, or served for consumption at tables, chairs, or counters or from trays, glasses, dishes, or other tableware whether provided by the retailer or by a person with whom the retailer contracts to furnish, prepare, or serve food products to others, except for food products furnished as meals (i) under a state administered nutrition program for the aged as provided for in the Older Americans Act (P.L. 95-478 Title III) and RCW 74.38.040(6) or (ii) which are provided to senior citizens, disabled persons, or low-income persons by a not-for-profit organization organized under chapter 24.03 or 24.12 RCW, or (b) when the food products are ordinarily sold for immediate consumption on or near a location at which parking facilities are provided primarily for the use of patrons in consuming the products purchased at the location, even though such products are sold on a "takeout" or "to go" order and are actually packaged or wrapped and taken from the premises of the retailer, or (c) when the food products are sold for consumption within a place, the entrance to which is subject to an admission charge, except for national and state parks and monuments.

(2) Subsection (1) of this section notwithstanding, the retail sale of food products is subject to sales tax under RCW 82.08.020 if the food products are sold through a vending machine, and in this case the selling price for purposes of RCW 82.08.020 is fifty-seven percent of the gross receipts.

This subsection does not apply to hot prepared food products, other than food products which are heated after they have been dispensed from the vending machine.

For tax collected under this subsection, the requirements that the tax be collected from the buyer and that the amount of tax be stated as a separate item are waived.

**Sec. 5 was vetoed, see message at end of chapter.*

**Sec. 6. Section 34, chapter 35, Laws of 1982 1st ex. sess. as amended by section 2, chapter 104, Laws of 1985 and RCW 82.12.0293 are each amended to read as follows:*

The provisions of this chapter shall not apply in respect to the use of food products for human consumption.

"Food products" include cereals and cereal products, oieomargarine, meat and meat products including livestock sold for personal consumption, fish and fish products, eggs and egg products, vegetables and vegetable products, fruit and fruit products, spices and salt, sugar and sugar products, coffee and coffee substitutes, tea, cocoa and cocoa products.

"Food products" include milk and milk products, milk shakes, malted milks, and any other similar type beverages which are composed at least in part of milk or a milk product and which require the use of milk or a milk product in their preparation.

"Food products" include all fruit juices, vegetable juices, and other beverages except bottled water, spirituous, malt or vinous liquors or carbonated beverages, whether liquid or frozen.

"Food products" do not include medicines and preparations in liquid, powdered, granular, tablet, capsule, lozenge, and pill form sold as dietary supplements or adjuncts.

The exemption of "food products" provided for in this paragraph shall not apply: (a) When the food products are furnished, prepared, or served for consumption at tables, chairs, or counters or from trays, glasses, dishes, or other tableware whether provided by the retailer or by a person with whom the retailer contracts to furnish, prepare, or serve food products to others, except for food products furnished as meals (i) under a state administered nutrition program for the aged as provided for in the Older Americans Act (P.L. 95-478 Title III) and RCW 74.38.040(6) or (ii) which are provided to senior citizens, disabled persons, or low-income persons by a not-for-profit organization organized under chapter 24.03 or 24.12 RCW, or (b) when the food products are ordinarily sold for immediate consumption on or near a location at which parking facilities are provided primarily for the use of patrons in consuming the products purchased at the location, even though such

products are sold on a "takeout" or "to go" order and are actually packaged or wrapped and taken from the premises of the retailer, or (c) when the food products are sold for consumption within a place, the entrance to which is subject to an admission charge, except for national and state parks and monuments.

*Sec. 6 was vetoed, see message at end of chapter.

NEW SECTION. Sec. 7. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

Passed the House March 8, 1986.

Passed the Senate March 5, 1986.

Approved by the Governor April 1, 1986, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State April 1, 1986.

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

"I am returning herewith, without my approval as to four sections, Substitute House Bill No. 1355, entitled:

"AN ACT Relating to the Department of Agriculture."

I am vetoing sections 3 and 4 because they duplicate language contained in Substitute Senate Bill No. 4769, sections 1 and 2.

I am vetoing sections 5 and 6 because they duplicate language contained in Substitute Senate Bill No. 4425 sections 1 and 2.

With the exception of Sections 3, 4, 5 and 6, the remainder of Substitute House Bill No. 1355 is approved."

CHAPTER 203

[Engrossed Substitute Senate Bill No. 5044]

HORTICULTURE INSPECTION SERVICES—APPLE ADVERTISING
COMMISSION—PEST CONTROL—WAREHOUSE OPERATORS—GRAIN
DEALERS—ORGANIC FOOD, FISH PRODUCTS, CHRISTMAS TREES—
POPCORN—KOSHER FOOD—FLUID DAIRY PRODUCTS—RAPESEED—
AGRICULTURAL COMMODITY COMMISSIONS

AN ACT Relating to the department of agriculture; amending RCW 15.04.100, 15.17-.230, 15.24.070, 15.58.220, 15.58.240, 16.38.060, 17.21.090, 17.21.120, 17.21.128, 17.21.130, 17.21.220, 17.21.305, 22.09.050, 22.09.055, 15.66.010, 69.04.398, 43.23.035, and 15.04.200; reenacting and amending RCW 15.65.020; adding a new section to chapter 15.65 RCW; adding a new section to chapter 15.66 RCW; adding a new section to chapter 69.04 RCW; adding a new section to chapter 15.36 RCW; creating a new section; prescribing penalties; and declaring an emergency.

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

Sec. 1. Section 15.04.100, chapter 11, Laws of 1961 as amended by section 1, chapter 76, Laws of 1969 ex. sess. and RCW 15.04.100 are each amended to read as follows: