
ENGROSSED SENATE BILL 5983

State of Washington

53rd Legislature

1993 Regular Session

By Senators M. Rasmussen and Loveland; by request of Department of Agriculture

Read first time 04/09/93. Referred to Committee on Ways & Means.

1 AN ACT Relating to fees; amending RCW 15.36.105, 15.53.9014,
2 15.54.350, 15.58.415, 16.57.020, 16.57.080, 16.57.090, 16.57.140,
3 16.57.220, 16.57.390, 16.58.050, 16.58.060, 16.58.130, 16.65.030,
4 16.65.040, 16.65.042, 16.65.090, 17.21.070, 17.21.110, 17.21.122,
5 17.21.126, 17.21.129, 17.21.220, 17.21.360, 69.07.040, and 69.25.250;
6 adding new sections to chapter 15.54 RCW; and repealing RCW 15.54.320.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

8 **Sec. 1.** RCW 15.36.105 and 1992 c 160 s 1 are each amended to read
9 as follows:

10 There is levied on all milk processed in this state an assessment
11 not to exceed (~~one-half~~) fifty-four one-hundredths of one cent per
12 hundredweight. The director shall determine, by rule, an assessment,
13 that with contribution from the general fund, will support an
14 inspection program to maintain compliance with the provisions of the
15 pasteurized milk ordinance of the national conference on interstate
16 milk shipment. All assessments shall be levied on the operator of the
17 first milk plant receiving the milk for processing. This shall include
18 milk plants that produce their own milk for processing and milk plants
19 that receive milk from other sources. All moneys collected under this

1 section shall be paid to the director by the twentieth day of the
2 succeeding month for the previous month's assessments. The director
3 shall deposit the funds into the dairy inspection account hereby
4 created within the agricultural local fund established in RCW
5 43.23.230. The funds shall be used only to provide inspection services
6 to the dairy industry. If the operator of a milk plant fails to remit
7 any assessments, that sum shall be a lien on any property owned by him
8 or her, and shall be reported by the director and collected in the
9 manner and with the same priority over other creditors as prescribed
10 for the collection of delinquent taxes under chapters 84.60 and 84.64
11 RCW.

12 This section shall take effect July 1, 1992, and shall expire June
13 30, 1994.

14 **Sec. 2.** RCW 15.53.9014 and 1982 c 177 s 2 are each amended to read
15 as follows:

16 (1) Each commercial feed shall be registered with the department
17 and such registration shall be renewed annually before such commercial
18 feed may be distributed in this state: PROVIDED, That sales of food
19 processing byproducts from fruit, vegetable, or potato processing
20 plants, freezing or dehydrating facilities, or juice or jelly
21 preserving plants; unmixed seed, whole or processed, made directly from
22 the entire seed; unground hay, straw, stover, silage, cobs, husks, and
23 hulls, when not mixed with other material; bona fide experimental feeds
24 on which accurate records and experimental programs are maintained; and
25 customer-formula feeds are exempt from such registration. The
26 exemption for byproducts provided by this subsection does not apply to
27 byproducts or products of sugar refineries or to materials used in the
28 preparation of pet foods.

29 (a) Beginning July 1, (~~1982~~) 1993, each registration for a
30 commercial feed product distributed in packages of ten pounds or more
31 shall be accompanied by a fee of (~~ten~~) eleven dollars. If such
32 commercial feed is also distributed in packages of less than ten pounds
33 it shall be registered under subsection (b) of this section.

34 (b) Beginning July 1, (~~1982~~) 1993, each registration for a
35 commercial feed product distributed in packages of less than ten pounds
36 shall be accompanied by an annual registration fee of forty-five
37 dollars on each such commercial feed so distributed, but no inspection

1 fee may be collected on packages of less than ten pounds of the
2 commercial feed so registered.

3 (2) The application for registration shall be on forms provided by
4 the department.

5 (3) The department may require that such application be accompanied
6 by a label and/or other printed matter describing the product. All
7 registrations expire on December 31st of each year, and are renewable
8 unless such registration is canceled by the department or it has called
9 for a new registration, or unless canceled by the registrant.

10 (4) The application shall include the information required by RCW
11 15.53.9016(1)(b) through (1)(e).

12 (5) A distributor shall not be required to register any commercial
13 feed brand or product which is already registered under the provisions
14 of this chapter.

15 (6) Changes in the guarantee of either chemical or ingredient
16 composition of a commercial feed registered under the provisions of
17 this chapter may be permitted if there is satisfactory evidence that
18 such changes would not result in a lowering of the feed value of the
19 product for the purpose for which designed.

20 (7) The department is empowered to refuse registration of any
21 application not in compliance with the provisions of this chapter and
22 to cancel any registration subsequently found to be not in compliance
23 with any provisions of this chapter, but a registration shall not be
24 refused or canceled until the registrant has been given opportunity to
25 be heard before the department and to amend his application in order to
26 comply with the requirements of this chapter.

27 (8) If an application for renewal of the registration provided for
28 in this section is not filed prior to January 1st of any one year, a
29 penalty of ten dollars shall be assessed and added to the original fee
30 and shall be paid by the applicant before the renewal registration may
31 be issued, unless the applicant furnishes an affidavit that he has not
32 distributed this feed subsequent to the expiration of his or her prior
33 registration.

34 NEW SECTION. **Sec. 3.** "Licensee" means the person who receives a
35 license to distribute a fertilizer under the provisions of this
36 chapter.

1 NEW SECTION. **Sec. 4.** "Packaged fertilizer" means commercial
2 fertilizers, either agricultural or specialty, distributed in nonbulk
3 form.

4 NEW SECTION. **Sec. 5.** (1) No person may distribute a commercial
5 fertilizer in this state, except packaged fertilizers, until a license
6 to distribute has been obtained by that person. A license is required
7 for each out-of-state or in-state location that distributes nonpackaged
8 commercial fertilizer in Washington state. An application for each
9 location shall be filed on forms provided by the master license system
10 and shall be accompanied by a fee of twenty-seven dollars per location.
11 The license shall expire on the master license expiration date.

12 (2) An application for license shall include the following:

13 (a) The name and address of licensee.

14 (b) Any other information required by the department by rule.

15 (3) The name and address shown on the license shall be shown on all
16 labels, pertinent invoices, and storage facilities for fertilizer
17 distributed by the licensee in this state.

18 (4) If an application for license renewal provided for in this
19 section is not filed prior to master license expiration date, a
20 delinquency fee of twenty-five dollars shall be assessed and added to
21 the original fee and shall be paid by the applicant before the renewal
22 license shall be issued. The assessment of this delinquency fee shall
23 not prevent the department from taking any other action as provided for
24 in this chapter. The penalty shall not apply if the applicant
25 furnishes an affidavit that he or she has not distributed this
26 commercial fertilizer subsequent to the expiration of his or her prior
27 license.

28 NEW SECTION. **Sec. 6.** (1) No person may distribute in this state
29 a packaged fertilizer until it is registered with the department by the
30 distributor whose name appears on the label. An application for each
31 packaged fertilizer product shall be made on a form furnished by the
32 department and shall be accompanied by an initial fee of twenty-seven
33 dollars for the first product and eleven dollars for each additional
34 product. Labels for each product shall accompany the application. All
35 companies planning to mix packaged customer-formula fertilizers shall
36 include the statement "customer formula grade mixes" under the column
37 headed "product name" on the product registration application form.

1 All customer-formula fertilizers sold under one brand name shall be
2 considered one product. Upon the approval of an application by the
3 department, a copy of the registration shall be furnished to the
4 applicant. All registrations expire on June 30th of each year except
5 that for the period beginning January 1, 1994, the registration shall
6 expire on June 30, 1995.

7 (2) An application for registration shall include the following:

8 (a) The product name;

9 (b) The brand and grade;

10 (c) The guaranteed analysis;

11 (d) Name and address of the registrant;

12 (e) Labels for each product being registered;

13 (f) Any other information required by the department by rule.

14 (3) If an application for renewal of the product registration
15 provided for in this section is not filed prior to July 1st of any one
16 year, a penalty of ten dollars per product shall be assessed and added
17 to the original fee and shall be paid by the applicant before the
18 renewal registration shall be issued. The assessment of this late
19 collection fee shall not prevent the department from taking any other
20 action as provided for in this chapter. The penalty shall not apply if
21 the applicant furnishes an affidavit that he or she has not distributed
22 this commercial fertilizer subsequent to the expiration of his or her
23 prior registration.

24 **Sec. 7.** RCW 15.54.350 and 1987 c 45 s 13 are each amended to read
25 as follows:

26 (1) There shall be paid to the department for all commercial
27 fertilizers distributed in this state to nonregistrants or nonlicensees
28 an inspection fee of ~~((nine))~~ seventeen cents per ton of lime and
29 ~~((eighteen))~~ thirty-three cents per ton of all other commercial
30 fertilizer distributed during the year beginning July 1st and ending
31 June 30th.

32 ~~((In computing the tonnage on which the inspection fee must be
33 paid, distribution of commercial fertilizers in packages weighing five
34 pounds net or less, and))~~ Distribution of commercial fertilizers for
35 shipment to points outside this state may be excluded.

36 (3) When more than one distributor is involved in the distribution
37 of a commercial fertilizer, the last registrant or licensee who
38 distributes to a nonregistrant or nonlicensee is responsible for paying

1 the inspection fee, unless the payment of fees has been made by a prior
2 distributor of the fertilizer.

3 **Sec. 8.** RCW 15.58.415 and 1989 c 380 s 32 are each amended to read
4 as follows:

5 Each registration and licensing fee under this chapter is increased
6 by a surcharge of (~~five~~) six dollars to be deposited in the
7 (~~agriculture~~) agricultural local fund, provided that an additional
8 one-time surcharge of five dollars shall be collected on January 1,
9 1990. The revenue raised by the imposition of this surcharge shall be
10 used to assist in funding the pesticide incident reporting and tracking
11 review panel, department of social and health services' pesticide
12 investigations, and the department of agriculture's pesticide
13 investigations.

14 **Sec. 9.** RCW 16.57.020 and 1971 ex.s. c 135 s 1 are each amended to
15 read as follows:

16 The director shall be the recorder of livestock brands and such
17 brands shall not be recorded elsewhere in this state. Any person
18 desiring to register a livestock brand shall apply on a form prescribed
19 by the director. Such application shall be accompanied by a facsimile
20 of the brand applied for and a (~~twenty-five~~) forty-two dollars and
21 fifty cent recording fee. The director shall, upon his satisfaction
22 that the application meets the requirements of this chapter and/or
23 rules and regulations adopted hereunder, record such brand.

24 **Sec. 10.** RCW 16.57.080 and 1991 c 110 s 1 are each amended to read
25 as follows:

26 The director shall establish by rule a schedule for the renewal of
27 registered brands. The fee for renewal of the brands shall be
28 (~~twenty-five~~) forty-two dollars and fifty cents for each two-year
29 period of brand ownership, except that the director may, in adopting a
30 renewal schedule, provide for the collection of renewal fees on a
31 prorated basis. At least one hundred twenty days before the expiration
32 of a registered brand, the director shall notify by letter the owner of
33 record of the brand that on the payment of the requisite application
34 fee and application of renewal the director shall issue the proof of
35 payment allowing the brand owner exclusive ownership and use of the
36 brand for the subsequent registration period. The failure of the

1 registered owner to pay the renewal fee by the date required by rule
2 shall cause such owner's brand to revert to the department. The
3 director may for a period of one year following such reversion, reissue
4 such brand only to the prior registered owner upon payment of (~~twenty-~~
5 ~~five~~) forty-two dollars and fifty cents and an additional fee of
6 (~~ten~~) seventeen dollars for renewal subsequent to the regular renewal
7 period. The director may at his discretion, if such brand is not
8 reissued within one year to the prior registered owner, issue such
9 brand to any other applicant.

10 **Sec. 11.** RCW 16.57.090 and 1974 ex.s. c 64 s 3 are each amended to
11 read as follows:

12 A brand is the personal property of the owner of record. Any
13 instrument affecting the title of such brand shall be acknowledged in
14 the presence of the recorded owner and a notary public. The director
15 shall record such instrument upon presentation and payment of a (~~ten~~)
16 seventeen dollar recording fee. Such recording shall be constructive
17 notice to all the world of the existence and conditions affecting the
18 title to such brand. A copy of all records concerning the brand,
19 certified by the director, shall be received in evidence to all intent
20 and purposes as the original instrument. The director shall not be
21 personally liable for failure of his agents to properly record such
22 instrument.

23 **Sec. 12.** RCW 16.57.140 and 1974 ex.s. c 64 s 4 are each amended to
24 read as follows:

25 The owner of a brand of record may procure from the director a
26 certified copy of the record of his or her brand upon payment of
27 (~~five~~) eight dollars and fifty cents.

28 **Sec. 13.** RCW 16.57.220 and 1981 c 296 s 17 are each amended to
29 read as follows:

30 The director shall cause a charge to be made for all brand
31 inspection of cattle required under this chapter and rules and
32 regulations adopted hereunder. Such charges shall be paid to the
33 department by the owner or person in possession unless requested by the
34 purchaser and then such brand inspection shall be paid by the purchaser
35 requesting such brand inspection. Such inspection charges shall be due
36 and payable at the time brand inspection is performed and if not shall

1 constitute a prior lien on the cattle or cattle hides brand inspected
2 until such charge is paid. The director in order to best utilize the
3 services of the department in performing brand inspection shall
4 establish schedules by days and hours when a brand inspector will be on
5 duty to perform brand inspection at established inspection points. The
6 fees for brand inspection performed at inspection points according to
7 schedules established by the director shall be not less than thirty
8 cents nor more than ((fifty)) eighty-five cents as prescribed by the
9 director subsequent to a hearing. Fees for brand inspection performed
10 by the director at points other than those designated by the director
11 or not in accord with the schedules established by him shall be based
12 on a fee schedule not to exceed actual net cost to the department of
13 performing the brand inspection service. Such schedule of fees shall
14 be established subsequent to a hearing and all regulations concerning
15 fees shall be adopted in accord with the provisions of chapter 34.05
16 RCW, the Administrative Procedure Act, concerning the adoption of rules
17 as enacted or hereafter amended.

18 **Sec. 14.** RCW 16.57.390 and 1974 ex.s. c 38 s 2 are each amended to
19 read as follows:

20 The director shall cause a charge to be made for all brand
21 inspections of horses required under this chapter and rules and
22 regulations adopted hereunder. Such charges shall be paid to the
23 department by the owner or person in possession unless requested by the
24 purchaser and then such brand inspection shall be paid by the purchaser
25 requesting such brand inspection. Such inspection charges shall be due
26 and payable at the time brand inspection is performed and if not shall
27 constitute a prior lien on the horses or horse hides brand inspected
28 until such charge is paid. The director in order to best utilize the
29 services of the department in performing brand inspections of horses
30 shall establish schedules by days and hours when a brand inspector will
31 be on duty or perform brand inspections of horses at established
32 inspection points. The fees for brand inspections of horses performed
33 at inspection points according to schedules established by the director
34 shall be not more than ((two)) three dollars and forty cents as
35 prescribed by the director subsequent to a hearing. Fees for brand
36 inspections of horses performed by the director at points other than
37 those designated by the director or not in accord with the schedules
38 established by him shall be based on a fee schedule not to exceed

1 actual net cost to the department of performing the brand inspection
2 service. Such schedule of fees shall be established subsequent to a
3 hearing and all regulations concerning fees shall be adopted in accord
4 with the provisions of chapter 34.05 RCW, the Administrative Procedure
5 Act, concerning the adoption of rules as enacted or hereafter amended.

6 **Sec. 15.** RCW 16.58.050 and 1979 c 81 s 2 are each amended to read
7 as follows:

8 The application for an annual license to engage in the business of
9 operating one or more certified feed lots shall be accompanied by a
10 license fee of (~~five~~) eight hundred fifty dollars. Upon approval of
11 the application by the director and compliance with the provisions of
12 this chapter and rules and regulations adopted hereunder, the applicant
13 shall be issued a license or a renewal thereof.

14 **Sec. 16.** RCW 16.58.060 and 1991 c 109 s 10 are each amended to
15 read as follows:

16 The director shall establish by rule an expiration date or dates
17 for all certified feed lot licenses. License fees shall be prorated
18 where necessary to accommodate staggering of expiration dates of a
19 license or licenses. If an application for renewal of a certified feed
20 lot license is not received by the department per the date required by
21 rule or should a person fail, refuse, or neglect to apply for renewal
22 of a preexisting license on or before the date of expiration, that
23 person shall be assessed an additional (~~twenty-five~~) forty-two
24 dollars and fifty cents which shall be added to the regular license fee
25 and shall be paid before the director may issue a license to the
26 applicant.

27 **Sec. 17.** RCW 16.58.130 and 1991 c 109 s 14 are each amended to
28 read as follows:

29 Each licensee shall pay to the director a fee of (~~ten~~) seventeen
30 cents for each head of cattle handled through the licensee's feed lot.
31 Payment of such fee shall be made by the licensee on a monthly basis.
32 Failure to pay as required shall be grounds for suspension or
33 revocation of a certified feed lot license. Further, the director
34 shall not renew a certified feed lot license if a licensee has failed
35 to make prompt and timely payments.

1 **Sec. 18.** RCW 16.65.030 and 1991 c 17 s 1 are each amended to read
2 as follows:

3 (1) On and after June 10, 1959, no person shall operate a public
4 livestock market without first having obtained a license from the
5 director. Application for such license or renewal thereof shall be in
6 writing on forms prescribed by the director, and shall include the
7 following:

8 (a) A legal description of the property upon which the public
9 livestock market shall be located.

10 (b) A complete description and blueprints or plans of the public
11 livestock market physical plant, yards, pens and all facilities the
12 applicant proposes to use in the operation of such public livestock
13 market.

14 (c) A detailed statement showing all the assets and liabilities of
15 the applicant which must reflect a sufficient net worth to construct or
16 operate a public livestock market.

17 (d) The schedule of rates and charges the applicant proposes to
18 impose on the owners of livestock for services rendered in the
19 operation of such livestock market.

20 (e) The weekly or monthly sales day or days on which the applicant
21 proposes to operate his public livestock market sales.

22 (f) Projected source and quantity of livestock, by county,
23 anticipated to be handled.

24 (g) Projected income and expense statements for the first year's
25 operation.

26 (h) Facts upon which are based the conclusion that the trade area
27 and the livestock industry will benefit because of the proposed market.

28 (i) Such other information as the director may reasonably require.

29 (2) The director shall, after public hearing as provided by chapter
30 34.05 RCW, grant or deny an application for original license for a
31 public livestock market after considering evidence and testimony
32 relating to all of the requirements of this section and giving
33 reasonable consideration at the same hearing to:

34 (a) Benefits to the livestock industry to be derived from the
35 establishment and operation of the public livestock market proposed in
36 the application; and

37 (b) The present market services elsewhere available to the trade
38 area proposed to be served.

1 (3) Such application shall be accompanied by a license fee based on
2 the average gross sales volume per official sales day of that market:

3 (a) Markets with an average gross sales volume up to and including
4 ten thousand dollars, a one hundred seventy dollar fee;

5 (b) Markets with an average gross sales volume over ten thousand
6 dollars and up to and including fifty thousand dollars, a (~~two~~) three
7 hundred forty dollar fee; and

8 (c) Markets with an average gross sales volume over fifty thousand
9 dollars, a (~~three~~) five hundred ten dollar fee.

10 (4) Any applicant operating more than one public livestock market
11 shall make a separate application for a license to operate each such
12 public livestock market, and each such application shall be accompanied
13 by the appropriate license fee.

14 (5) Upon the approval of the application by the director and
15 compliance with the provisions of this chapter, the applicant shall be
16 issued a license or renewal thereof. Any license issued under the
17 provisions of this chapter shall only be valid at location and for the
18 sales day or days for which the license was issued.

19 **Sec. 19.** RCW 16.65.040 and 1983 c 298 s 6 are each amended to read
20 as follows:

21 All public livestock market licenses provided for in this chapter
22 shall expire on March 1st subsequent to the date of issue. Any person
23 who fails, refuses, or neglects to apply for a renewal of a preexisting
24 license on or before the date of expiration, shall pay a penalty of
25 (~~twenty-five~~) forty-two dollars and fifty cents, which shall be added
26 to the regular license fee, before such license may be renewed by the
27 director.

28 **Sec. 20.** RCW 16.65.042 and 1983 c 298 s 3 are each amended to read
29 as follows:

30 (1) A person shall not operate a special open consignment horse
31 sale without first obtaining a license from the director. The
32 application for the license shall include:

33 (a) A detailed statement showing all of the assets and liabilities
34 of the applicant;

35 (b) The schedule of rates and charges the applicant proposes to
36 impose on the owners of horses for services rendered in the operation
37 of the horse sale;

1 (c) The specific date and exact location of the proposed sale;
2 (d) Projected quantity and approximate value of horses to be
3 handled; and
4 (e) Such other information as the director may reasonably require.

5 (2) The application shall be accompanied by a license fee of one
6 hundred seventy dollars. Upon the approval of the application by the
7 director and compliance with this chapter, the applicant shall be
8 issued a license. A special open consignment horse sale license is
9 valid only for the specific date or dates and exact location for which
10 the license was issued.

11 **Sec. 21.** RCW 16.65.090 and 1983 c 298 s 8 are each amended to read
12 as follows:

13 The director shall provide for brand inspection. When such brand
14 inspection is required the licensee shall collect from the consignor
15 and pay to the department, as provided by law, a fee for brand
16 inspection for each animal consigned to the public livestock market or
17 special open consignment horse sale: PROVIDED, That if in any one sale
18 day the total fees collected for brand inspection do not exceed
19 ((~~sixty~~)) one hundred two dollars, then such licensee shall pay
20 ((~~sixty~~)) one hundred two dollars for such brand inspection or as much
21 thereof as the director may prescribe.

22 **Sec. 22.** RCW 17.21.070 and 1991 c 109 s 30 are each amended to
23 read as follows:

24 It shall be unlawful for any person to engage in the business of
25 applying pesticides to the land of another without a commercial
26 pesticide applicator license. Application for the license shall be
27 accompanied by a fee of one hundred ((~~twenty-five~~)) thirty-six dollars
28 and in addition a fee of ((~~ten~~)) eleven dollars for each apparatus,
29 exclusive of one, used by the applicant in the application of
30 pesticides: PROVIDED, That the provisions of this section shall not
31 apply to any person employed only to operate any apparatus used for the
32 application of any pesticide, and in which such person has no financial
33 interest or other control over such apparatus other than its day to day
34 mechanical operation for the purpose of applying any pesticide.
35 Commercial pesticide applicator licenses shall expire annually on a
36 date set by rule by the director. License fees shall be prorated where

1 necessary to accommodate staggering of expiration dates of a license or
2 licenses.

3 **Sec. 23.** RCW 17.21.110 and 1992 c 170 s 5 are each amended to read
4 as follows:

5 It shall be unlawful for any person to act as an employee of a
6 commercial pesticide applicator and apply pesticides manually or as the
7 operator directly in charge of any apparatus which is licensed or
8 should be licensed under the provisions of this chapter for the
9 application of any pesticide, without having obtained a commercial
10 pesticide operator license from the director. The commercial pesticide
11 operator license shall be in addition to any other license or permit
12 required by law for the operation or use of any such apparatus.
13 Application for a commercial operator license shall be accompanied by
14 a license fee of thirty-three dollars. The provisions of this section
15 shall not apply to any individual who is a licensed commercial
16 pesticide applicator. Commercial pesticide operator licenses shall
17 expire annually on a date set by rule by the director. License fees
18 shall be prorated where necessary to accommodate staggering of
19 expiration dates of a license or licenses.

20 **Sec. 24.** RCW 17.21.122 and 1992 c 170 s 6 are each amended to read
21 as follows:

22 It shall be unlawful for any person to act as a private-commercial
23 applicator without having obtained a private-commercial applicator
24 license from the director. Application for a private-commercial
25 applicator license shall be accompanied by a license fee of (~~fifteen~~)
26 seventeen dollars before a license may be issued. Private-commercial
27 applicator licenses issued by the director shall be annual licenses
28 expiring on a date set by rule by the director. License fees shall be
29 prorated where necessary to accommodate staggering of expiration dates
30 of a license or licenses.

31 **Sec. 25.** RCW 17.21.126 and 1992 c 170 s 7 are each amended to read
32 as follows:

33 It shall be unlawful for any person to act as a private applicator
34 without first complying with the certification requirements determined
35 by the director as necessary to prevent unreasonable adverse effects on
36 the environment, including injury to the applicator or other persons,

1 for that specific pesticide use. Certification standards to determine
2 the individual's competency with respect to the use and handling of the
3 pesticide or class of pesticides the private applicator is to be
4 certified to use shall be relative to hazards according to RCW
5 17.21.030 as now or hereafter amended. In determining these standards
6 the director shall take into consideration standards of the EPA and is
7 authorized to adopt by rule these standards. Application for private
8 applicator certification shall be accompanied by a license fee of
9 ((fifteen)) seventeen dollars before a certification may be issued.
10 Individuals with a valid certified applicator license, pest control
11 consultant license, or dealer manager license who qualify in the
12 appropriate license categories are exempt from this fee requirement
13 provided that licensed public operators exempted from that license fee
14 requirement are not exempted from the private applicator fee
15 requirement. Private applicator certification issued by the director
16 shall expire annually on a date set by rule by the director. License
17 fees shall be prorated where necessary to accommodate staggering of
18 expiration dates of a license or licenses.

19 **Sec. 26.** RCW 17.21.129 and 1992 c 170 s 8 are each amended to read
20 as follows:

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

26 A license fee of ((fifteen)) seventeen dollars shall be paid before
27 a demonstration and research license may be issued. The demonstration
28 and research applicator license shall be an annual license expiring on
29 a date set by rule by the director. License fees shall be prorated
30 where necessary to accommodate staggering of expiration dates of a
31 license or licenses.

32 **Sec. 27.** RCW 17.21.220 and 1991 c 109 s 37 are each amended to
33 read as follows:

34 (1) All state agencies, municipal corporations, and public
35 utilities or any other governmental agency shall be subject to the
36 provisions of this chapter and rules adopted thereunder concerning the
37 application of pesticides.

1 (2) It shall be unlawful for any employee of a state agency,
2 municipal corporation, public utility, or any other government agency
3 to use or to supervise the use of any pesticide restricted to use by
4 certified applicators, or any pesticide by means of an apparatus,
5 without having obtained a public operator license from the director.
6 A license fee of ((fifteen)) seventeen dollars shall be paid before a
7 public operator license may be issued. The license fee shall not apply
8 to public operators licensed and working in the health vector field.
9 Public operator licenses shall expire annually on a date set by rule by
10 the director. License fees shall be prorated where necessary to
11 accommodate staggering of expiration dates of a license or licenses.
12 The public operator license shall be valid only when the operator is
13 acting as an employee of a government agency.

14 (3) The jurisdictional health officer or his or her duly authorized
15 representative is exempt from this licensing provision when applying
16 pesticides not restricted to use by certified applicators to control
17 pests other than weeds.

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

22 **Sec. 28.** RCW 17.21.360 and 1989 c 380 s 66 are each amended to
23 read as follows:

24 Each registration and licensing fee under this chapter is increased
25 by a surcharge of ((five)) six dollars to be deposited in the
26 ((~~agriculture~~)) agricultural local fund, provided that an additional
27 one-time surcharge of five dollars shall be collected on January 1,
28 1990. The revenue raised by the imposition of this surcharge shall be
29 used to assist in funding the pesticide incident reporting and tracking
30 review panel, department of social and health services' pesticide
31 investigations, and the department of agriculture's pesticide
32 investigations.

33 **Sec. 29.** RCW 69.07.040 and 1992 c 160 s 3 are each amended to read
34 as follows:

35 It shall be unlawful for any person to operate a food processing
36 plant or process foods in the state without first having obtained an
37 annual license from the department, which shall expire on a date set by

1 rule by the director. License fees shall be prorated where necessary
2 to accommodate staggering of expiration dates. Application for a
3 license shall be on a form prescribed by the director and accompanied
4 by the license fee. The license fee is determined by computing the
5 gross annual sales for the accounting year immediately preceding the
6 license year. If the license is for a new operator, the license fee
7 shall be based on an estimated gross annual sales for the initial
8 license period.

9	If gross annual sales are:	The license fee is:
10	\$0 to \$50,000	\$((50.00)) <u>55.00</u>
11	\$50,001 to \$500,000	\$((100.00)) <u>110.00</u>
12	\$500,001 to \$1,000,000	\$((200.00)) <u>220.00</u>
13	\$1,000,001 to \$5,000,000	\$((350.00)) <u>385.00</u>
14	\$5,000,001 to \$10,000,000	\$((500.00)) <u>550.00</u>
15	Greater than \$10,000,000	\$((750.00)) <u>825.00</u>

16 Such application shall include the full name of the applicant for the
17 license and the location of the food processing plant he or she intends
18 to operate. If such applicant is an individual, receiver, trustee,
19 firm, partnership, association or corporation, the full name of each
20 member of the firm or partnership, or names of the officers of the
21 association or corporation shall be given on the application. Such
22 application shall further state the principal business address of the
23 applicant in the state and elsewhere and the name of a person domiciled
24 in this state authorized to receive and accept service of summons of
25 legal notices of all kinds for the applicant. The application shall
26 also specify the type of food to be processed and the method or nature
27 of processing operation or preservation of that food and any other
28 necessary information. Upon the approval of the application by the
29 director and compliance with the provisions of this chapter, including
30 the applicable regulations adopted hereunder by the department, the
31 applicant shall be issued a license or renewal thereof.

32 Licenses shall be issued to cover only those products, processes,
33 and operations specified in the license application and approved for
34 licensing. Wherever a license holder wishes to engage in processing a
35 type of food product that is different than the type specified on the
36 application supporting the licensee's existing license and processing
37 that type of food product would require a major addition to or
38 modification of the licensee's processing facilities or has a high

1 potential for harm, the licensee shall submit an amendment to the
2 current license application. In such a case, the licensee may engage
3 in processing the new type of food product only after the amendment has
4 been approved by the department.

5 If upon investigation by the director, it is determined that a
6 person is processing food for retail sale and is not under permit,
7 license, or inspection by a local health authority, then that person
8 may be considered a food processor and subject to the provisions of
9 this chapter.

10 **Sec. 30.** RCW 69.25.250 and 1975 1st ex.s. c 201 s 26 are each
11 amended to read as follows:

12 There is hereby levied an assessment not to exceed (~~two and one~~
13 ~~half~~) three mills per dozen eggs entering intrastate commerce, as
14 prescribed by rules and regulations issued by the director. Such
15 assessment shall be applicable to all eggs entering intrastate commerce
16 except as provided in RCW 69.25.170 and 69.25.290. Such assessment
17 shall be paid to the director on a monthly basis on or before the tenth
18 day following the month such eggs enter intrastate commerce. The
19 director may require reports by egg handlers or dealers along with the
20 payment of the assessment fee. Such reports may include any and all
21 pertinent information necessary to carry out the purposes of this
22 chapter. The director may, by regulations, require egg container
23 manufacturers to report on a monthly basis all egg containers sold to
24 any egg handler or dealer and bearing such egg handler or dealer's
25 license number.

26 NEW SECTION. **Sec. 31.** RCW 15.54.320 and 1987 c 45 s 11 & 1967
27 ex.s. c 22 s 20 are each repealed.

28 NEW SECTION. **Sec. 32.** Sections 3 through 6 of this act are each
29 added to chapter 15.54 RCW.

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