

CERTIFICATION OF ENROLLMENT

**SUBSTITUTE SENATE BILL 5374**

62nd Legislature  
2011 Regular Session

Passed by the Senate March 4, 2011  
YEAS 49 NAYS 0

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**President of the Senate**

Passed by the House April 6, 2011  
YEAS 97 NAYS 0

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**Speaker of the House of Representatives**

Approved

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**Governor of the State of Washington**

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5374** as passed by the Senate and the House of Representatives on the dates hereon set forth.

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**Secretary**

FILED

**Secretary of State  
State of Washington**

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**SUBSTITUTE SENATE BILL 5374**

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Passed Legislature - 2011 Regular Session

**State of Washington                      62nd Legislature                      2011 Regular Session**

**By** Senate Agriculture & Rural Economic Development (originally sponsored by Senators Becker and Hobbs)

READ FIRST TIME 02/02/11.

1            AN ACT Relating to making technical, nonsubstantive changes to  
2 department of agriculture-related sections; amending RCW 15.26.120,  
3 15.30.200, 90.64.030, 15.48.280, 15.60.065, 15.60.085, 15.60.095,  
4 15.65.375, 15.66.245, 15.76.115, 16.24.120, 17.21.150, 17.26.020,  
5 15.65.280, 15.66.140, 15.89.070, 15.115.140, 15.65.243, 15.65.510,  
6 15.65.550, 15.66.113, 20.01.205, 15.65.033, 15.66.010, 15.66.017,  
7 15.24.900, 15.28.015, 15.44.015, 15.88.025, 15.89.025, 15.92.010,  
8 15.115.020, 16.67.035, 15.58.030, 17.15.030, 17.21.100, 19.94.015,  
9 20.01.010, 20.01.475, 20.01.510, 20.01.520, and 17.24.210; reenacting  
10 and amending RCW 15.65.020; creating a new section; and repealing RCW  
11 15.58.380.

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

13            **Sec. 1.** RCW 15.26.120 and 1969 c 129 s 12 are each amended to read  
14 as follows:

15            There is hereby levied on all commercial tree fruit produced in  
16 this state or held out as being produced in this state for fresh or  
17 processing use, an assessment, initially not to exceed ten cents per  
18 ton on all such tree fruits, except that such assessment for apples for  
19 fresh shipment shall be at the rate of one-half cent per one hundred

1 pounds gross billing weight. Such assessment on all such commercial  
2 tree fruit shall not become effective until approved by a majority of  
3 such commercial producers of tree fruit voting in a referendum  
4 conducted jointly by the Washington apple (~~(advertising)~~) commission,  
5 Washington state fruit commission, and the department. The respective  
6 commissions shall supply all known producers of tree fruits subject to  
7 their respective commissions with a ballot for the referendum and the  
8 department shall supply all known tree fruit producers not subject to  
9 either of the commissions with a ballot wherein all known producers may  
10 approve or disapprove such assessment. The commission may waive the  
11 payment of assessments by any class of producers of minimal amounts of  
12 tree fruit when the commission determines subsequent to a hearing that  
13 the cost of collecting and keeping records of such assessments is  
14 disproportionate to the return to the commission.

15 **Sec. 2.** RCW 15.30.200 and 1961 c 29 s 20 are each amended to read  
16 as follows:

17 All moneys collected under the provisions of this chapter for the  
18 inspection and certification of any fruits or vegetables subject to the  
19 provisions of this chapter shall be handled and deposited in the manner  
20 provided for in chapter (~~(15.16)~~) 15.17 RCW, as enacted or hereafter  
21 amended, for the handling of inspection and certification fees derived  
22 for the inspection of any fruits and vegetables.

23 **Sec. 3.** RCW 90.64.030 and 2003 c 325 s 3 are each amended to read  
24 as follows:

25 (1) Under the inspection program established in RCW 90.64.023, the  
26 department may investigate a dairy farm to determine whether the  
27 operation is discharging pollutants or has a record of discharging  
28 pollutants into surface or ground waters of the state. Upon concluding  
29 an investigation, the department shall make a written report of its  
30 findings, including the results of any water quality measurements,  
31 photographs, or other pertinent information, and provide a copy of the  
32 report to the dairy producer within twenty days of the investigation.

33 (2) The department shall investigate a written complaint filed with  
34 the department within three working days and shall make a written  
35 report of its findings including the results of any water quality  
36 measurements, photographs, or other pertinent information. Within

1 twenty days of receiving a written complaint, a copy of the findings  
2 shall be provided to the dairy producer subject to the complaint, and  
3 to the complainant if the person gave his or her name and address to  
4 the department at the time the complaint was filed.

5 (3) The department may consider past complaints against the same  
6 dairy farm from the same person and the results of its previous  
7 inspections, and has the discretion to decide whether to conduct an  
8 inspection if:

9 (a) The same or a similar complaint or complaints have been filed  
10 against the same dairy farm within the immediately preceding six-month  
11 period; and

12 (b) The department made a determination that the activity that was  
13 the subject of the prior complaint was not a violation.

14 (4) If the decision of the department is not to conduct an  
15 inspection, it shall document the decision and the reasons for the  
16 decision within twenty days. The department shall provide the decision  
17 to the complainant if the name and address were provided to the  
18 department, and to the dairy producer subject to the complaint, and the  
19 department shall place the decision in the department's administrative  
20 records.

21 (5) The report of findings of any inspection conducted as the  
22 result of either an oral or a written complaint shall be placed in the  
23 department's administrative records. Only findings of violations shall  
24 be entered into the database identified in RCW 90.64.130.

25 (6) A dairy farm that is determined to be a significant contributor  
26 of pollution based on actual water quality tests, photographs, or other  
27 pertinent information is subject to the provisions of this chapter and  
28 to the enforcement provisions of chapters 43.05 and 90.48 RCW,  
29 including civil penalties levied under RCW 90.48.144.

30 (7) If the department determines that an unresolved water quality  
31 problem from a dairy farm requires immediate corrective action, the  
32 department shall notify the producer and the district in which the  
33 problem is located. When corrective actions are required to address  
34 such unresolved water quality problems, the department shall provide  
35 copies of all final dairy farm inspection reports and documentation of  
36 all formal regulatory and enforcement actions taken by the department  
37 against that particular dairy farm to the local conservation district  
38 and to the appropriate dairy farm within twenty days.

1 (8) For a violation of water quality laws that is a first offense  
2 for a dairy producer, the penalty may be waived to allow the producer  
3 to come into compliance with water quality laws. The department shall  
4 record all legitimate violations and subsequent enforcement actions.

5 (9) A discharge, including a storm water discharge, to surface  
6 waters of the state shall not be considered a violation of this  
7 chapter, chapter 90.48 RCW, or chapter 173-201A WAC, and shall  
8 therefore not be enforceable by the department of ecology or a third  
9 party, if at the time of the discharge, a violation is not occurring  
10 under RCW 90.64.010(~~(+18+)~~) (17). In addition, a dairy producer shall  
11 not be held liable for violations of this chapter, chapter 90.48 RCW,  
12 chapter 173-201A WAC, or the federal clean water act due to the  
13 discharge of dairy nutrients to waters of the state resulting from  
14 spreading these materials on lands other than where the nutrients were  
15 generated, when the nutrients are spread by persons other than the  
16 dairy producer or the dairy producer's agent.

17 (10) As provided under RCW 7.48.305, agricultural activities  
18 associated with the management of dairy nutrients are presumed to be  
19 reasonable and shall not be found to constitute a nuisance unless the  
20 activity has a substantial adverse effect on public health and safety.

21 (11) This section specifically acknowledges that if a holder of a  
22 general or individual national pollutant discharge elimination system  
23 permit complies with the permit and the dairy nutrient management plan  
24 conditions for appropriate land application practices, the permit  
25 provides compliance with the federal clean water act and acts as a  
26 shield against citizen or agency enforcement for any additions of  
27 pollutants to waters of the state or of the United States as authorized  
28 by the permit.

29 (12) A dairy producer who fails to have an approved dairy nutrient  
30 management plan by July 1, 2002, or a certified dairy nutrient  
31 management plan by December 31, 2003, and for which no appeals have  
32 been filed with the pollution control hearings board, is in violation  
33 of this chapter. Each month beyond these deadlines that a dairy  
34 producer is out of compliance with the requirement for either plan  
35 approval or plan certification shall be considered separate violations  
36 of chapter 90.64 RCW that may be subject to penalties. Such penalties  
37 may not exceed one hundred dollars per month for each violation up to  
38 a combined total of five thousand dollars. The department has

1 discretion in imposing penalties for failure to meet deadlines for plan  
2 approval or plan certification if the failure to comply is due to lack  
3 of state funding for implementation of the program. Failure to  
4 register as required in RCW 90.64.017 shall subject a dairy producer to  
5 a maximum penalty of one hundred dollars. Penalties shall be levied by  
6 the department.

7 **Sec. 4.** RCW 15.48.280 and 1967 c 114 s 15 are each amended to read  
8 as follows:

9 Seed bailment contracts for the increase of agricultural seeds  
10 shall not create a security interest under the terms of the Uniform  
11 Commercial Code, chapter 62A.9A RCW. No filing, recording, or notice  
12 of a seed bailment contract shall be required under any of the laws of  
13 the state to establish, during the term of a seed bailment contract the  
14 validity of any such contracts, nor to establish and confirm in the  
15 bailor the title to all seed, seed stock, plant life and the resulting  
16 seed crop thereof grown or produced by the bailee under the terms of a  
17 bailment contract.

18 **Sec. 5.** RCW 15.60.065 and 1993 c 89 s 18 are each amended to read  
19 as follows:

20 When the county legislative authority determines that it would be  
21 desirable to establish an apiary coordinated area or areas in their  
22 county, they shall make an order fixing a time and place when a hearing  
23 will be held, notice of which shall be published at least once each  
24 week for two successive weeks in a newspaper having general circulation  
25 within the county. It shall be the duty of the county legislative  
26 authority at the time fixed for such hearing, to hear all persons  
27 interested in the establishment of apiary coordinated areas as defined  
28 in this section and RCW ((~~15.60.180, 15.60.190, and 15.60.210~~))  
29 15.60.075 and 15.60.085.

30 **Sec. 6.** RCW 15.60.085 and 1989 c 354 s 68 are each amended to read  
31 as follows:

32 When the county legislative authority of any county deems it  
33 advisable to change the boundary or boundaries of any apiary  
34 coordinated area, a hearing shall be held in the same manner as  
35 provided in RCW ((~~15.60.180~~)) 15.60.065. If the county legislative

1 authority decides to change the boundary or boundaries of any apiary  
2 coordinated area or areas, they shall within thirty days after the  
3 conclusion of such hearing make an order describing the change or  
4 changes. Such order shall be entered upon the records of the county  
5 and published in a newspaper having general circulation in the county  
6 once each week for four successive weeks.

7 **Sec. 7.** RCW 15.60.095 and 1993 c 89 s 20 are each amended to read  
8 as follows:

9 The county legislative authority of any county with a population of  
10 from forty thousand to less than seventy thousand located east of the  
11 Cascade crest and bordering in the southern side of the Snake river  
12 shall have the power to designate by an order made and published, as  
13 provided in RCW (~~(15.60.190)~~) 15.60.075, certain territories as apiary  
14 coordinated areas in which they may designate the number of colonies  
15 per apiary, the distance between apiaries, the minimum required setback  
16 distance from property lines, and the time of year the regulations  
17 shall be in effect. No territory so designated shall be less than two  
18 square miles in area.

19 **Sec. 8.** RCW 15.65.375 and 2002 c 313 s 32 are each amended to read  
20 as follows:

21 Any marketing agreement or order may authorize the members of a  
22 commodity board, or their agents or designees, to participate in  
23 federal or state hearings or other proceedings concerning regulation of  
24 the manufacture, distribution, sale, or use of any pesticide as defined  
25 by RCW 15.58.030(~~(+30+)~~) or any agricultural chemical which is of use  
26 or potential use in producing the affected commodity. Any marketing  
27 agreement or order may authorize the expenditure of commodity board  
28 funds for this purpose.

29 **Sec. 9.** RCW 15.66.245 and 2002 c 313 s 63 are each amended to read  
30 as follows:

31 Any marketing agreement or order may authorize the members of a  
32 commodity commission, or their agents or designees, to participate in  
33 federal or state hearings or other proceedings concerning regulation of  
34 the manufacture, distribution, sale, or use of any pesticide as defined  
35 by RCW 15.58.030(~~(+30+)~~) or any agricultural chemical which is of use

1 or potential use in producing the affected commodity. Any marketing  
2 agreement or order may authorize the expenditure of commodity  
3 commission funds for this purpose.

4 **Sec. 10.** RCW 15.76.115 and 2010 1st sp.s. c 37 s 912 are each  
5 amended to read as follows:

6 The fair fund is created in the custody of the state treasury. All  
7 moneys received by the department of agriculture for the purposes of  
8 this fund and from RCW 67.16.105(~~((+4))~~) (7) shall be deposited into the  
9 fund. At the beginning of fiscal year 2002 and each fiscal year  
10 thereafter, the state treasurer shall transfer into the fair fund from  
11 the general fund the sum of two million dollars, except for fiscal year  
12 2011 the state treasurer shall transfer into the fair fund from the  
13 general fund the sum of one million one hundred three thousand dollars.  
14 Expenditures from the fund may be used only for assisting fairs in the  
15 manner provided in this chapter. Only the director of agriculture or  
16 the director's designee may authorize expenditures from the fund. The  
17 fund is subject to allotment procedures under chapter 43.88 RCW, but no  
18 appropriation is required for expenditures.

19 **Sec. 11.** RCW 16.24.120 and 1989 c 286 s 12 are each amended to  
20 read as follows:

21 Upon taking possession of any livestock at large contrary to the  
22 provisions of chapter 16.24 RCW (~~((16.13.020))~~), or any unclaimed  
23 livestock submitted or impounded, by any person, at any public  
24 livestock market or any other facility approved by the director, the  
25 sheriff or brand inspector shall cause it to be transported to and  
26 impounded at the nearest public livestock market licensed under chapter  
27 16.65 RCW or at such place as approved by the director. If the sheriff  
28 has impounded an animal in accordance with this section, he or she  
29 shall forthwith notify the nearest brand inspector of the department of  
30 agriculture, who shall examine the animal and, by brand, tattoo, or  
31 other identifying characteristic, shall attempt to ascertain the  
32 ownership thereof.

33 **Sec. 12.** RCW 17.21.150 and 1994 c 283 s 18 are each amended to  
34 read as follows:



1 A person who has committed any of the following acts is declared to  
2 be in violation of this chapter:

3 (1) Made false or fraudulent claims through any media,  
4 misrepresenting the effect of materials or methods to be utilized;

5 (2) Applied worthless or improper pesticides;

6 (3) Operated a faulty or unsafe apparatus;

7 (4) Operated in a faulty, careless, or negligent manner;

8 (5) Refused or neglected to comply with the provisions of this  
9 chapter, the rules adopted hereunder, or of any lawful order of the  
10 director including a final order of the director directing payment of  
11 a civil penalty. In an adjudicative proceeding arising from the  
12 department's denial of a license for failure to pay a civil penalty the  
13 subject shall be limited to whether the payment was made and the  
14 proceeding may not be used to collaterally attack the final order;

15 (6) Refused or neglected to keep and maintain the pesticide  
16 application records required by rule, or to make reports when and as  
17 required;

18 (7) Made false or fraudulent records, invoices, or reports;

19 (8) Acted as a certified applicator without having provided direct  
20 supervision to an unlicensed person (~~as defined in RCW~~  
21 ~~17.21.020(12)~~);

22 (9) Operated an unlicensed apparatus or an apparatus without a  
23 license plate issued for that particular apparatus;

24 (10) Used fraud or misrepresentation in making an application for  
25 a license or renewal of a license;

26 (11) Is not qualified to perform the type of pest control under the  
27 conditions and in the locality in which he or she operates or has  
28 operated, regardless of whether or not he or she has previously passed  
29 a pesticide license examination;

30 (12) Aided or abetted a licensed or an unlicensed person to evade  
31 the provisions of this chapter, combined or conspired with such a  
32 licensed or an unlicensed person to evade the provisions of this  
33 chapter, or allowed one's license to be used by an unlicensed person;

34 (13) Knowingly made false, misleading, or erroneous statements or  
35 reports during or after an inspection concerning any infestation or  
36 infection of pests found on land or in connection with any pesticide  
37 complaint or investigation;

38 (14) Impersonated any state, county or city inspector or official;

1 (15) Applied a restricted use pesticide without having a certified  
2 applicator in direct supervision;

3 (16) Operated a commercial pesticide application business: (a)  
4 Without an individual licensed as a commercial pesticide applicator or  
5 (b) with a licensed commercial pesticide applicator not licensed in the  
6 classification or classifications in which the business operates; or

7 (17) Operated as a commercial pesticide applicator without meeting  
8 the financial responsibility requirements including not having a  
9 properly executed financial responsibility insurance certificate or  
10 surety bond form on file with the department.

11 **Sec. 13.** RCW 17.26.020 and 2003 c 39 s 10 are each amended to read  
12 as follows:

13 (1) Facilitating the control of spartina and purple loosestrife is  
14 a high priority for all state agencies.

15 (2) The department of natural resources is responsible for spartina  
16 and purple loosestrife control on state-owned aquatic lands managed by  
17 the department of natural resources.

18 (3) The department of fish and wildlife is responsible for spartina  
19 and purple loosestrife control on state-owned aquatic lands managed by  
20 the department of fish and wildlife.

21 (4) The state parks and recreation commission is responsible for  
22 spartina and purple loosestrife control on state-owned aquatic lands  
23 managed by the state parks and recreation commission.

24 (5) Unless the context clearly requires otherwise, the definitions  
25 in this subsection apply throughout this chapter, RCW 90.48.020,  
26 90.58.030, and (~~77.55.150~~) 77.55.081:

27 (a) "Spartina" means *Spartina alterniflora*, *Spartina anglica*,  
28 *Spartina x townsendii*, and *Spartina patens*.

29 (b) "Purple loosestrife" means *Lythrum salicaria* and *Lythrum*  
30 *virgatum*.

31 (c) "Aquatic noxious weed" means an aquatic weed on the state  
32 noxious weed list adopted under RCW 17.10.080.

33 **Sec. 14.** RCW 15.65.280 and 2010 c 8 s 6075 are each amended to  
34 read as follows:

35 The powers and duties of the board shall be:

36 (1) To elect a chair and such other officers as it deems advisable;

- 1           (2) To advise and counsel the director with respect to the  
2 administration and conduct of such marketing agreement or order;
- 3           (3) To recommend to the director administrative rules and orders  
4 and amendments thereto for the exercise of his or her powers in  
5 connection with such agreement or order;
- 6           (4) To advise the director upon (~~any and~~) all assessments  
7 provided pursuant to the terms of such agreement or order and upon the  
8 collection, deposit, withdrawal, disbursement and paying out of all  
9 moneys;
- 10          (5) To assist the director in the collection of such necessary  
11 information and data as the director may deem necessary in the proper  
12 administration of this chapter;
- 13          (6) To administer the order or agreement as its administrative  
14 board if the director designates it so to do in such order or  
15 agreement;
- 16          (7) To work cooperatively with other local, state, and federal  
17 agencies; universities; and national organizations for the purposes  
18 provided in the board's marketing order or agreement;
- 19          (8) To enter into contracts or interagency agreements with any  
20 private or public agency, whether federal, state, or local, to carry  
21 out the purposes provided in the board's marketing order or agreement.  
22 Personal service contracts must comply with chapter 39.29 RCW;
- 23          (9) To accept and expend or retain any gifts, bequests,  
24 contributions, or grants from private persons or private and public  
25 agencies to carry out the purposes provided in the board's marketing  
26 order or agreement;
- 27          (10) To retain in emergent situations the services of private legal  
28 counsel to conduct legal actions on behalf of a board. The retention  
29 of a private attorney is subject to review by the office of the  
30 attorney general;
- 31          (11) To engage in appropriate fund-raising activities for the  
32 purpose of supporting activities of the board authorized by the  
33 marketing order or agreement;
- 34          (12) To enter into contracts or agreements for research in the  
35 production, irrigation, processing, transportation, marketing, use, or  
36 distribution of an affected commodity;
- 37          (13) To participate in international, federal, state, and local  
38 hearings, meetings, and other proceedings relating to the production,

1 irrigation, manufacture, regulation, transportation, distribution,  
2 sale, or use of affected commodities including activities authorized  
3 under RCW ((42.17.190)) 42.17A.635, including the reporting of those  
4 activities to the public disclosure commission;

5 (14) To maintain a list of the names and addresses of affected  
6 producers that may be compiled from information used to collect  
7 assessments under the marketing order or agreement, and data on the  
8 value of each producer's production for a minimum three-year period;

9 (15) To maintain a list of the names and addresses of persons who  
10 handle the affected commodity within the affected area and data on the  
11 amount and value of the commodity handled for a minimum three-year  
12 period by each person; and

13 (16) To perform such other duties as the director may prescribe in  
14 the marketing agreement or order.

15 Any agreement or order under which the commodity board administers  
16 the order or agreement shall (if so requested by the affected producers  
17 within the affected area in the proposal or promulgation hearing)  
18 contain provisions whereby the director reserves the power to approve  
19 or disapprove every order, rule or directive issued by the board, in  
20 which event such approval or disapproval shall be based on whether or  
21 not the director believes the board's action has been carried out in  
22 conformance with the purposes of this chapter.

23 **Sec. 15.** RCW 15.66.140 and 2003 c 396 s 2 are each amended to read  
24 as follows:

25 Every commodity commission shall have such powers and duties in  
26 accordance with provisions of this chapter as may be provided in the  
27 marketing order and shall have the following powers and duties:

28 (1) To elect a chair and such other officers as determined  
29 advisable;

30 (2) To adopt, rescind, and amend rules and regulations reasonably  
31 necessary for the administration and operation of the commission and  
32 the enforcement of its duties under the marketing order;

33 (3) To administer, enforce, direct and control the provisions of  
34 the marketing order and of this chapter relating thereto;

35 (4) To employ and discharge at its discretion such administrators  
36 and additional personnel, attorneys, advertising and research agencies

1 and other persons and firms that it may deem appropriate and pay  
2 compensation to the same;

3 (5) To acquire personal property and purchase or lease office space  
4 and other necessary real property and transfer and convey the same;

5 (6) To institute and maintain in its own name any and all legal  
6 actions, including actions by injunction, mandatory injunction or civil  
7 recovery, or proceedings before administrative tribunals or other  
8 governmental authorities necessary to carry out the provisions of this  
9 chapter and of the marketing order;

10 (7) To keep accurate records of all its receipts and disbursements,  
11 which records shall be open to inspection and audit by the state  
12 auditor or private auditor designated by the state auditor at least  
13 every five years;

14 (8) Borrow money and incur indebtedness;

15 (9) Make necessary disbursements for routine operating expenses;

16 (10) To expend funds for commodity-related education, training, and  
17 leadership programs as each commission deems expedient;

18 (11) To work cooperatively with other local, state, and federal  
19 agencies; universities; and national organizations for the purposes  
20 provided in the commission's marketing order;

21 (12) To enter into contracts or interagency agreements with any  
22 private or public agency, whether federal, state, or local, to carry  
23 out the purposes provided in the commission's marketing order.  
24 Personal service contracts must comply with chapter 39.29 RCW;

25 (13) To accept and expend or retain any gifts, bequests,  
26 contributions, or grants from private persons or private and public  
27 agencies to carry out the purposes provided in the commission's  
28 marketing order;

29 (14) To enter into contracts or agreements for research in the  
30 production, irrigation, processing, transportation, marketing, use, or  
31 distribution of an affected commodity;

32 (15) To retain in emergent situations the services of private legal  
33 counsel to conduct legal actions on behalf of a commission. The  
34 retention of a private attorney is subject to review by the office of  
35 the attorney general;

36 (16) To engage in appropriate fund-raising activities for the  
37 purpose of supporting activities of the commission authorized by the  
38 marketing order;

1 (17) To participate in international, federal, state, and local  
2 hearings, meetings, and other proceedings relating to the production,  
3 irrigation, manufacture, regulation, transportation, distribution,  
4 sale, or use of affected commodities including activities authorized  
5 under RCW ((42.17.190)) 42.17A.635, including the reporting of those  
6 activities to the public disclosure commission;

7 (18) To maintain a list of the names and addresses of affected  
8 producers that may be compiled from information used to collect  
9 assessments under the provisions of the marketing order and data on the  
10 value of each producer's production for a minimum three-year period;

11 (19) To maintain a list of the names and addresses of persons who  
12 handle the affected commodity within the affected area and data on the  
13 amount and value of the commodity handled for a minimum three-year  
14 period by each person;

15 (20) To request records and audit the records of producers or  
16 handlers of the affected commodity during normal business hours to  
17 determine whether the appropriate assessment has been paid;

18 (21) To acquire or own intellectual property rights, licenses, or  
19 patents and to collect royalties resulting from commission-funded  
20 research related to the affected commodity; and

21 (22) Such other powers and duties that are necessary to carry out  
22 the purposes of this chapter.

23 **Sec. 16.** RCW 15.89.070 and 2009 c 373 s 9 are each amended to read  
24 as follows:

25 The commission shall:

26 (1) Elect a chair and officers. The officers must include a  
27 treasurer who is responsible for all receipts and disbursements by the  
28 commission and the faithful discharge of whose duties shall be  
29 guaranteed by a bond at the sole expense of the commission. The  
30 commission must adopt rules for its own governance that provide for the  
31 holding of an annual meeting for the election of officers and the  
32 transaction of other business and for other meetings the commission may  
33 direct;

34 (2) Do all things reasonably necessary to effect the purposes of  
35 this chapter. However, the commission has no rule-making power except  
36 as provided in this chapter;

1 (3) Employ and discharge managers, secretaries, agents, attorneys,  
2 and employees and engage the services of independent contractors;

3 (4) Retain, as necessary, the services of private legal counsel to  
4 conduct legal actions on behalf of the commission. The retention of a  
5 private attorney is subject to review by the office of the attorney  
6 general;

7 (5) Receive donations of beer from producers for promotional  
8 purposes under subsections (6) and (7) of this section and for fund-  
9 raising purposes under subsection (8) of this section. Donations of  
10 beer for promotional purposes may only be disseminated without charge;

11 (6) Engage directly or indirectly in the promotion of Washington  
12 beer, including, without limitation, the acquisition in any lawful  
13 manner and the dissemination without charge of beer. This  
14 dissemination is not deemed a sale for any purpose and the commission  
15 is not deemed a producer, supplier, or manufacturer, or the clerk,  
16 servant, or agent of a producer, supplier, distributor, or  
17 manufacturer. This dissemination without charge shall be for  
18 agricultural development or trade promotion, and not for fund-raising  
19 purposes under subsection (8) of this section. Dissemination for  
20 promotional purposes may include promotional hosting and must in the  
21 good faith judgment of the commission be in the aid of the marketing,  
22 advertising, sale of beer, or of research related to such marketing,  
23 advertising, or sale;

24 (7) Promote Washington beer by conducting unique beer tastings  
25 without charge;

26 (8) Beginning July 1, 2007, fund the Washington beer commission  
27 through sponsorship of up to twelve beer festivals annually at which  
28 beer may be sold to festival participants. For this purpose, the  
29 commission would qualify for issue of a special occasion license as an  
30 exception to WAC 314-05-020 but must comply with laws under Title 66  
31 RCW and rules adopted by the liquor control board under which such  
32 events may be conducted;

33 (9) Participate in international, federal, state, and local  
34 hearings, meetings, and other proceedings relating to the production,  
35 regulation, distribution, sale, or use of beer including activities  
36 authorized under RCW (~~(42.17.190)~~) 42.17A.635, including the reporting  
37 of those activities to the public disclosure commission;

1 (10) Acquire and transfer personal and real property, establish  
2 offices, incur expenses, and enter into contracts, including contracts  
3 for the creation and printing of promotional literature. The contracts  
4 are not subject to chapter 43.78 RCW, and are cancelable by the  
5 commission unless performed under conditions of employment that  
6 substantially conform to the laws of this state and the rules of the  
7 department of labor and industries. The commission may create debt and  
8 other liabilities that are reasonable for proper discharge of its  
9 duties under this chapter;

10 (11) Maintain accounts with one or more qualified public  
11 depositories as the commission may direct, for the deposit of money,  
12 and expend money for purposes authorized by this chapter by drafts made  
13 by the commission upon such institutions or by other means;

14 (12) Cause to be kept and annually closed, in accordance with  
15 generally accepted accounting principles, accurate records of all  
16 receipts, disbursements, and other financial transactions, available  
17 for audit by the state auditor;

18 (13) Create and maintain a list of producers and disseminate  
19 information among and solicit the opinions of producers with respect to  
20 the discharge of the duties of the commission, directly or by  
21 arrangement with trade associations or other instrumentalities;

22 (14) Employ, designate as an agent, act in concert with, and enter  
23 into contracts with any person, council, commission, or other entity to  
24 promote the general welfare of the beer industry and particularly to  
25 assist in the sale and distribution of Washington beer in domestic and  
26 foreign commerce. The commission shall expend money necessary or  
27 advisable for this purpose and to pay its proportionate share of the  
28 cost of any program providing direct or indirect assistance to the sale  
29 and distribution of Washington beer in domestic or foreign commerce,  
30 employing and paying for vendors of professional services of all kinds;

31 (15) Sue and be sued as a commission, without individual liability  
32 for acts of the commission within the scope of the powers conferred  
33 upon it by this chapter;

34 (16) Serve as liaison with the liquor control board on behalf of  
35 the commission and not for any individual producer;

36 (17) Receive such gifts, grants, and endowments from public or  
37 private sources as may be made from time to time, in trust or



1 otherwise, for the use and benefit of the purposes of the commission  
2 and expend the same or any income therefrom according to the terms of  
3 the gifts, grants, or endowments.

4 **Sec. 17.** RCW 15.115.140 and 2009 c 33 s 14 are each amended to  
5 read as follows:

6 (1) The commission is an agency of the Washington state government  
7 subject to oversight by the director. In exercising its powers and  
8 duties, the commission shall carry out the following purposes:

9 (a) To establish plans and conduct programs for advertising and  
10 sales promotion, to maintain present markets, or to create new or  
11 larger markets for wheat and barley grown in Washington;

12 (b) To engage in cooperative efforts in the domestic or foreign  
13 marketing of wheat and barley grown in Washington;

14 (c) To provide for carrying on research studies to find more  
15 efficient methods of production, irrigation, processing,  
16 transportation, handling, and marketing of wheat and barley grown in  
17 Washington;

18 (d) To adopt rules to provide for improving standards and grades by  
19 defining, establishing, and providing labeling requirements with  
20 respect to wheat and (~~barely~~) barley grown in Washington;

21 (e) To investigate and take necessary action to prevent unfair  
22 trade practices relating to wheat and barley grown in Washington;

23 (f) To provide information or communicate on matters pertaining to  
24 the production, irrigation, processing, transportation, marketing, or  
25 uses of wheat and barley grown in Washington to any elected official or  
26 officer or employee of any agency;

27 (g) To provide marketing information and services for producers of  
28 wheat and barley in Washington;

29 (h) To provide information and services for meeting resource  
30 conservation objectives of producers of wheat and barley in Washington;

31 (i) To provide for education and training related to wheat and  
32 barley grown in Washington; and

33 (j) To assist and cooperate with the department or any local,  
34 state, or federal government agency in the investigation and control of  
35 exotic pests and diseases that could damage or affect the production or  
36 trade of wheat and barley grown in Washington.

37 (2) The commission has the following powers and duties:

- 1 (a) To collect the assessments of producers as provided in this  
2 chapter and to expend the same in accordance with this chapter;
- 3 (b) To maintain a list of the names and addresses of affected  
4 producers that may be compiled from information used to collect  
5 assessments authorized under this chapter and data on the value of each  
6 producer's production for a minimum three-year period;
- 7 (c) To maintain a list of the names and addresses of persons who  
8 handle wheat or barley within the affected area and data on the amount  
9 and value of the wheat and barley handled for a minimum three-year  
10 period by each person;
- 11 (d) To request records and audit the records of producers or  
12 handlers of wheat or barley during normal business hours to determine  
13 whether the appropriate assessment has been paid;
- 14 (e) To fund, conduct, or otherwise participate in scientific  
15 research relating to wheat or barley, including but not limited to  
16 research to find more efficient methods of irrigation, production,  
17 processing, handling, transportation, and marketing of wheat or barley,  
18 or regarding pests, pesticides, food safety, irrigation,  
19 transportation, and environmental stewardship related to wheat or  
20 barley;
- 21 (f) To work cooperatively with local, state, and federal agencies,  
22 universities, and national organizations for the purposes provided in  
23 this chapter;
- 24 (g) To establish a foundation using commission funds as grant money  
25 when the foundation benefits the wheat or barley industry in Washington  
26 and implements the purposes provided in this chapter;
- 27 (h) To acquire or own intellectual property rights, licenses, or  
28 patents and to collect royalties resulting from commission-funded  
29 research related to wheat or barley;
- 30 (i) To enter into contracts or interagency agreements with any  
31 private or public agency, whether federal, state, or local, to carry  
32 out the purposes and powers provided in this chapter, including  
33 specifically contracts or agreements for research described in (e) of  
34 this subsection. Personal service contracts must comply with chapter  
35 39.29 RCW;
- 36 (j) To institute and maintain in its own name any and all legal  
37 actions necessary to carry out the provisions of this chapter,

1 including actions by injunction, mandatory injunction or civil  
2 recovery, or proceedings before administrative tribunals or other  
3 governmental authorities;

4 (k) To retain in emergent situations the services of private legal  
5 counsel to conduct legal actions on behalf of the commission. The  
6 retention of a private attorney is subject to review and approval by  
7 the office of the attorney general;

8 (l) To elect a chair and other officers as determined advisable;

9 (m) To employ and discharge at its discretion administrators and  
10 additional personnel, advertising and research agencies, and other  
11 persons and firms as appropriate and pay compensation;

12 (n) To acquire personal property and purchase or lease office space  
13 and other necessary real property and transfer and convey that real  
14 property;

15 (o) To keep accurate records of all its receipts and disbursements  
16 by commodity, which records must be open to inspection and audit by the  
17 state auditor or private auditor designated by the state auditor at  
18 least every five years;

19 (p) To borrow money and incur indebtedness;

20 (q) To make necessary disbursements for routine operating expenses;

21 (r) To expend funds for commodity-related education, training, and  
22 leadership programs as the commission deems expedient;

23 (s) To accept and expend or retain any gifts, bequests,  
24 contributions, or grants from private persons or private and public  
25 agencies to carry out the purposes provided in this chapter;

26 (t) To apply for and administer federal market access programs or  
27 similar programs or projects and provide matching funds as may be  
28 necessary;

29 (u) To engage in appropriate fund-raising activities for the  
30 purpose of supporting activities of the commission authorized in this  
31 chapter;

32 (v) To participate in international, federal, state, and local  
33 hearings, meetings, and other proceedings relating to the production,  
34 irrigation, manufacture, regulation, transportation, distribution,  
35 sale, or use of wheat or barley; or the regulation of the manufacture,  
36 distribution, sale, or use of any pesticide, as defined in chapter  
37 15.58 RCW, or any agricultural chemical which is of use or potential

1 use in producing wheat or barley. This participation may include  
2 activities authorized under RCW (~~(42.17.190)~~) 42.17A.635, including the  
3 reporting of those activities to the public disclosure commission;

4 (w) To speak on behalf of the Washington state government on a  
5 nonexclusive basis regarding issues related to wheat and barley,  
6 including but not limited to trade negotiations and market access  
7 negotiations and to fund industry organizations engaging in those  
8 activities;

9 (x) To adopt, rescind, and amend rules and regulations reasonably  
10 necessary for the administration and operation of the commission and  
11 the enforcement of its duties under this chapter;

12 (y) To administer, enforce, direct, and control the provisions of  
13 this chapter and any rules adopted under this chapter; and

14 (z) Other powers and duties that are necessary to carry out the  
15 purposes of this chapter.

16 **Sec. 18.** RCW 15.65.243 and 2002 c 313 s 24 are each amended to  
17 read as follows:

18 (1) This section (~~(or RCW 15.65.245)~~) applies when the director  
19 appoints a majority of the board positions as set forth under RCW  
20 15.65.220(3).

21 (2) Candidates for director-appointed board positions on a  
22 commodity board shall be nominated under RCW 15.65.250.

23 (3) The director shall cause an advisory vote to be held for the  
24 director-appointed positions. Not less than ten days in advance of the  
25 vote, advisory ballots shall be mailed to all producers or handlers  
26 entitled to vote, if their names appear upon the list of affected  
27 parties or affected producers or handlers, whichever is applicable.  
28 Notice of every advisory vote for board membership shall be published  
29 in a newspaper of general circulation within the affected area defined  
30 in the order or agreement not less than ten days in advance of the date  
31 of the vote. The advisory ballot shall be conducted in a manner so  
32 that it is a secret ballot. The names of the two candidates receiving  
33 the most votes in the advisory vote shall be forwarded to the director  
34 for potential appointment to the board. In the event there are only  
35 two candidates nominated for a board position, an advisory vote may not  
36 be held and the candidates' names shall be forwarded to the director  
37 for potential appointment.

1 (4) The candidates whose names are forwarded to the director for  
2 potential appointment shall submit to the director a letter stating why  
3 ((he or she)) the candidate wishes to be appointed to the board. The  
4 director may select either person for the position.

5 **Sec. 19.** RCW 15.65.510 and 1989 c 354 s 29 are each amended to  
6 read as follows:

7 All parties to a marketing agreement, all persons subject to a  
8 marketing order, and all producers, dealers, and handlers of a  
9 commodity governed by the provisions of a marketing agreement or order  
10 shall severally from time to time, upon the request of the director,  
11 the director's designee, or the commodity board established under the  
12 marketing agreement or order, furnish such information and permit such  
13 inspections as the director, the director's designee, or the commodity  
14 board finds to be necessary to effectuate the declared policies of this  
15 chapter and the purposes of such agreement or order. Information and  
16 inspections may also be required by the director, the director's  
17 designee, or the commodity board to ascertain and determine the extent  
18 to which such agreement or order has been carried out or has  
19 effectuated such policies and purposes, or to determine whether or not  
20 there has been any abuse of the privilege of exemption from laws  
21 relating to trusts, monopolies and restraints of trade. Such  
22 information shall be furnished in accordance with forms and reports to  
23 be prescribed by the director, the director's designee, or the  
24 commodity board. The director, the director's designee, or a designee  
25 of the commodity board is hereby authorized to inspect crops and  
26 examine such books, papers, records, copies of tax reports, accounts,  
27 correspondence, contracts, documents, or memoranda as he or she deems  
28 relevant and which are within the control:

29 (1) Of any such party to such marketing agreement or, any person  
30 subject to any marketing order from whom such report was requested, or

31 (2) Of any person having, either directly or indirectly, actual or  
32 legal control of or over such party, producer or handler of such  
33 records, or

34 (3) Of any subsidiary of any such party, producer, handler or  
35 person.

36 To carry out the purposes of this section the director or the  
37 director's designee upon giving due notice, may hold hearings, take

1 testimony, administer oaths, subpoena witnesses and issue subpoenas for  
2 the production of books, records, documents or other writings of any  
3 kind. RCW (~~(15.65.080,)~~) 15.65.090, 15.65.100 and 15.65.110, together  
4 with such other regulations consistent therewith as the director may  
5 from time to time prescribe, shall apply with respect to any such  
6 hearing. All information furnished to or acquired by the director or  
7 the director's designee pursuant to this section shall be kept  
8 confidential by all officers and employees of the director or the  
9 director's designee and only such information so furnished or acquired  
10 as the director deems relevant shall be disclosed by the director or  
11 them, and then only in a suit or administrative hearing brought at the  
12 direction or upon the request of the director or to which the director  
13 or the director's designee or any officer of the state of Washington is  
14 a party, and involving the marketing agreement or order with reference  
15 to which the information so to be disclosed was furnished or acquired.

16 Nothing in this section shall prohibit:

17 (1) The issuance of general statements based upon the reports of a  
18 number of persons subject to any marketing agreement or order, which  
19 statements do not identify the information furnished by any person; or

20 (2) The publication by the director or the director's designee of  
21 the name of any person violating any marketing agreement or order,  
22 together with a statement of the particular provisions and the manner  
23 of the violation of the marketing agreement or order so violated by  
24 such person.

25 **Sec. 20.** RCW 15.65.550 and 2010 c 8 s 6091 are each amended to  
26 read as follows:

27 Upon the request of the director or his or her designee, it shall  
28 be the duty of the attorney general of the state of Washington and of  
29 the several prosecuting attorneys in their respective counties to  
30 institute proceedings to enforce the remedies and to collect the moneys  
31 provided for or pursuant to this chapter. Whenever the director and/or  
32 his or her designee has reason to believe that any person has violated  
33 or is violating the provisions of any marketing agreement or order  
34 issued pursuant to this chapter, the director and/or his or her  
35 designee shall have and is hereby granted the power to institute an  
36 investigation and, after due notice to such person, to conduct a  
37 hearing in order to determine the facts for the purpose of referring

1 the matter to the attorney general or to the appropriate prosecuting  
2 attorney for appropriate action. The provisions contained in RCW  
3 (~~15.65.080,~~) 15.65.090, 15.65.100 and 15.65.110 shall apply with  
4 respect to such hearings.

5 **Sec. 21.** RCW 15.66.113 and 2002 c 313 s 52 are each amended to  
6 read as follows:

7 (1) This section (~~or RCW 15.66.115~~) applies when the director  
8 appoints a majority of the positions of the commission as set forth  
9 under RCW 15.66.110(3).

10 (2) Candidates for director-appointed positions on a commission  
11 shall be nominated under RCW 15.66.120(1).

12 (3) Not less than sixty days nor more than seventy-five days prior  
13 to the commencement of a commission member's term, the director shall  
14 cause an advisory vote to be held for the director-appointed positions.  
15 Advisory ballots shall be mailed to all affected producers and shall be  
16 returned to the director not less than thirty days prior to the  
17 commencement of the term. The advisory ballot shall be conducted in a  
18 manner so that it is a secret ballot. The names of the two candidates  
19 receiving the most votes in the advisory vote shall be forwarded to the  
20 director for potential appointment to the commission. In the event  
21 there are only two candidates nominated for a position, an advisory  
22 vote may not be held and the candidates' names shall be forwarded to  
23 the director for potential appointment.

24 (4) The candidates whose names are forwarded to the director for  
25 potential appointment shall submit to the director a letter stating why  
26 he or she wishes to be appointed to the commission. The director may  
27 select either person for the position.

28 **Sec. 22.** RCW 20.01.205 and 1997 c 58 s 855 are each amended to  
29 read as follows:

30 The director shall immediately suspend the license or certificate  
31 of a person who has been certified pursuant to RCW 74.20A.320 by the  
32 department of social and health services as a person who is not in  
33 compliance with a support order (~~or a residential or visitation~~  
34 ~~order~~). If the person has continued to meet all other requirements  
35 for reinstatement during the suspension, reissuance of the license or

1 certificate shall be automatic upon the director's receipt of a release  
2 issued by the department of social and health services stating that the  
3 licensee is in compliance with the order.

4 **Sec. 23.** RCW 15.65.020 and 2009 c 549 s 1007 are each reenacted  
5 and amended to read as follows:

6 The following terms are hereby defined:

7 (1) "Affected commodity" means that part or portion of any  
8 agricultural commodity which is covered by or forms the subject matter  
9 of any marketing agreement or order or proposal, and includes all  
10 affected units thereof as herein defined and no others.

11 (2) "Affected parties" means any producer, affected producer,  
12 handler, or commodity board member.

13 (3) "Affected unit" means in the case of marketing agreements and  
14 orders drawn on the basis of a production area, any unit of the  
15 commodity specified in or covered by such agreement or order which is  
16 produced in such area and sold or marketed or delivered for sale or  
17 marketing; and "affected unit" means, in the case of marketing  
18 agreements and orders drawn on the basis of marketing area, any unit of  
19 the commodity specified in or covered by such agreement or order which  
20 is stored in frozen condition or sold or marketed or delivered for sale  
21 or marketing within such marketing area: PROVIDED, That in the case of  
22 marketing agreements "affected unit" shall include only those units  
23 which are produced by producers or handled by handlers who have  
24 assented to such agreement.

25 (4) "Agricultural commodity" means any of the following commodities  
26 or products: Llamas, alpacas, or any other animal or any distinctive  
27 type of agricultural, horticultural, viticultural, floricultural,  
28 vegetable, or animal product, including, but not limited to, products  
29 qualifying as organic (~~food~~) products under chapter 15.86 RCW and  
30 private sector cultured aquatic products as defined in RCW 15.85.020  
31 and other fish and fish products, either in its natural or processed  
32 state, including beehives containing bees and honey and Christmas trees  
33 but not including timber or timber products. The director is hereby  
34 authorized to determine (on the basis of common usage and practice)  
35 what kinds, types or sub-types should be classed together as an  
36 agricultural commodity for the purposes of this chapter.



1 (5) "Assessment" means the monetary amount established in a  
2 marketing order or agreement that is to be paid by each affected  
3 producer to a commodity board in accordance with the schedule  
4 established in the marketing order or agreement.

5 (6) "Commercial quantities" as applied to producers and/or  
6 production means such quantities per year (or other period of time) of  
7 an agricultural commodity as the director finds are not less than the  
8 minimum which a prudent person engaged in agricultural production would  
9 produce for the purpose of making such quantity of such commodity a  
10 substantial contribution to the economic operation of the farm on which  
11 such commodity is produced. "Commercial quantities" as applied to  
12 handlers and/or handling means such quantities per year (or other  
13 period of time) of an agricultural commodity or product thereof as the  
14 director finds are not less than the minimum which a prudent person  
15 engaged in such handling would handle for the purpose of making such  
16 quantity a substantial contribution to the handling operation in which  
17 such commodity or product thereof is so handled. In either case, the  
18 director may in his or her discretion: (a) Determine that substantial  
19 quantity is any amount above zero; and (b) apply the quantity so  
20 determined on a uniform rule applicable alike to all persons which he  
21 or she finds to be similarly situated.

22 (7) "Commodity board" means any board established pursuant to RCW  
23 15.65.220. "Board" means any such commodity board unless a different  
24 board is expressly specified.

25 (8) "Cooperative association" means any incorporated or  
26 unincorporated association of producers which conforms to the  
27 qualifications set out in the act of congress of the United States of  
28 February 18, 1922 as amended, known as the "Capper-Volstead Act" and  
29 which is engaged in making collective sales or in marketing any  
30 agricultural commodity or product thereof or in rendering service for  
31 or advancing the interests of the producers of such commodity on a  
32 nonprofit cooperative basis.

33 (9) "Department" means the department of agriculture of the state  
34 of Washington.

35 (10) "Director" means the director of agriculture of the state of  
36 Washington or his or her duly appointed representative. The phrase  
37 "director or his or her designee" means the director unless, in the  
38 provisions of any marketing agreement or order, he or she has

1 designated an administrator, board, or other designee to act in the  
2 matter designated, in which case "director or his or her designee"  
3 means for such order or agreement the administrator, board, or other  
4 person(s) so designated and not the director.

5 (11) "Handler" means any person who acts, either as principal,  
6 agent or otherwise, in processing, selling, marketing or distributing  
7 an agricultural commodity or storage of a frozen agricultural commodity  
8 which was not produced by him or her. "Handler" does not mean a common  
9 carrier used to transport an agricultural commodity. "Affected  
10 handler" means any handler of an affected commodity. "To handle" means  
11 to act as a handler.

12 (12) "List of affected handlers" means a list containing the names  
13 and addresses of affected handlers. This list shall contain the names  
14 and addresses of all affected handlers and, if requested by the  
15 director, the amount, by unit, of the affected commodity handled during  
16 a designated period under this chapter.

17 (13) "List of affected parties" means a list containing the names  
18 and mailing addresses of affected parties. This list shall contain the  
19 names and addresses of all affected parties and, if requested by the  
20 director, the amount, by unit, of the affected commodity produced  
21 during a designated period under this chapter.

22 (14) "List of affected producers" means a list containing the names  
23 and mailing addresses of affected producers. This list shall contain  
24 the names and addresses of all affected producers and, if requested by  
25 the director, the amount, by unit, of the affected commodity produced  
26 during a designated period under this chapter.

27 (15) "Mail" or "send" for purposes of any notice relating to rule  
28 making, referenda, or elections means regular mail or electronic  
29 distribution, as provided in RCW 34.05.260 for rule making.  
30 "Electronic distribution" or "electronically" means distribution by  
31 electronic mail or facsimile mail.

32 (16) "Marketing agreement" means an agreement entered into and  
33 issued by the director pursuant to this chapter.

34 (17) "Marketing order" means an order adopted by the director under  
35 this chapter that establishes a commodity board for an agricultural  
36 commodity or agricultural commodities with like or common qualities or  
37 producers.

1 (18) "Member of a cooperative association" means any producer who  
2 markets his or her product through such cooperative association and who  
3 is a voting stockholder of or has a vote in the control of or is a  
4 party to a marketing agreement with such cooperative association with  
5 respect to such product.

6 (19) "Percent by numbers" means the percent of those persons on the  
7 list of affected parties or affected producers.

8 (20) "Person" means any individual, firm, corporation, limited  
9 liability company, trust, association, partnership, society, or any  
10 other organization of individuals, or any unit or agency of local,  
11 state, or federal government.

12 (21) "Producer" means any person engaged in the business of  
13 producing any agricultural commodity for market in commercial  
14 quantities. "Affected producer" means any producer who is subject to  
15 a marketing order or agreement. "To produce" means to act as a  
16 producer. For the purposes of RCW 15.65.140 and 15.65.160 as now or  
17 hereafter amended "producer" shall include bailees who contract to  
18 produce or grow any agricultural product on behalf of a bailor who  
19 retains title to the seed and its resulting agricultural product or the  
20 agricultural product delivered for further production or increase.

21 (22) "Producer-handler" means any person who acts both as a  
22 producer and as a handler with respect to any agricultural commodity.  
23 A producer-handler shall be deemed to be a producer with respect to the  
24 agricultural commodities which he or she produces, and a handler with  
25 respect to the agricultural commodities which he or she handles,  
26 including those produced by himself or herself.

27 (23) "Producer marketing" or "marketed by producers" means any or  
28 all operations performed by any producer or cooperative association of  
29 producers in preparing for market and marketing, and shall include:  
30 (a) selling any agricultural commodity produced by such producer(s) to  
31 any handler; (b) delivering any such commodity or otherwise disposing  
32 of it for commercial purposes to or through any handler.

33 (24) "Production area" and "marketing area" means any area defined  
34 as such in any marketing order or agreement in accordance with RCW  
35 15.65.350. "Affected area" means the marketing or production area so  
36 defined in such order, agreement or proposal.

37 (25) "Represented in a referendum" means that a written document  
38 evidencing approval or assent or disapproval or dissent is duly and

1 timely filed with or mailed to the director by or on behalf of an  
2 affected producer and/or a volume of production of an affected  
3 commodity in a form which the director finds meets the requirements of  
4 this chapter. "Referendum" means a vote by the affected parties or  
5 affected producers which is conducted by secret ballot.

6 (26) "Rule-making proceedings" means the rule-making provisions as  
7 outlined in chapter 34.05 RCW.

8 (27) "Section" means a section of this chapter unless some other  
9 statute is specifically mentioned. The present includes the past and  
10 future tenses, and the past or future the present. The masculine  
11 gender includes the feminine and neuter. The singular number includes  
12 the plural and the plural includes the singular.

13 (28) "Sell" includes offer for sale, expose for sale, have in  
14 possession for sale, exchange, barter or trade.

15 (29) "Unit" of an agricultural commodity means a unit of volume,  
16 weight, quantity, or other measure in which such commodity is commonly  
17 measured. The director shall designate in each marketing order and  
18 agreement the unit to be used therein.

19 (30) "Vacancy" means that a board member leaves or is removed from  
20 a board position prior to the end of a term, or a nomination process  
21 for the beginning of a term concludes with no candidates for a  
22 position.

23 (31) "Volume of production" means the percent of the average volume  
24 of production of the affected commodity of those on the list of  
25 affected parties or affected producers for a production period. For  
26 the purposes of this chapter, a production period is a minimum three-  
27 year period or as specified in the marketing order or agreement.

28 **Sec. 24.** RCW 15.65.033 and 2002 c 313 s 3 are each amended to read  
29 as follows:

30 This chapter and the rules adopted under it are only one aspect of  
31 the comprehensively regulated agricultural industry.

32 (1) Other laws applicable to agricultural commodities include the  
33 following chapters and the rules adopted thereunder:

34 Chapter 15.08 RCW Horticultural pests and diseases;

35 Chapter 15.13 RCW Horticultural plants, Christmas trees, and  
36 facilities--Inspection and licensing;

37 Chapter 15.14 RCW Planting stock;

1 Chapter 15.15 RCW Certified seed potatoes;  
2 Chapter 15.17 RCW Standards of grades and packs;  
3 Chapter 15.19 RCW Certification and inspection of ginseng;  
4 Chapter 15.30 RCW Controlled atmosphere storage of fruits and  
5 vegetables;  
6 Chapter 15.49 RCW Seeds;  
7 Chapter 15.53 RCW Commercial feed;  
8 Chapter 15.54 RCW Fertilizers, minerals, and limes;  
9 Chapter 15.58 RCW Washington pesticide control act;  
10 Chapter 15.60 RCW Apiaries;  
11 Chapter 15.64 RCW Farm marketing;  
12 Chapter 15.83 RCW Agricultural marketing and fair practices;  
13 Chapter 15.85 RCW Aquaculture marketing;  
14 Chapter 15.86 RCW Organic (~~food~~) products;  
15 Chapter 15.92 RCW Center for sustaining agriculture and natural  
16 resources;  
17 Chapter 17.24 RCW Insect pests and plant diseases;  
18 Chapter 19.94 RCW Weights and measures;  
19 Chapter 20.01 RCW Agricultural products--Commission merchants,  
20 dealers, brokers, buyers, agents;  
21 Chapter 22.09 RCW Agricultural commodities;  
22 Chapter 69.04 RCW Food, drugs, cosmetics, and poisons including  
23 provisions of 21 C.F.R. relating to the general manufacturing  
24 practices, food labeling, food standards, food additives, and pesticide  
25 tolerances;  
26 Chapter 69.07 RCW Washington food processing act;  
27 Chapter 69.25 RCW Washington wholesome eggs and egg products act;  
28 Chapter 69.28 RCW Honey;  
29 7 U.S.C., section 136, Federal insecticide, fungicide, and  
30 rodenticide act.

31 (2) In addition to the laws and regulations listed in subsection  
32 (1) of this section that apply to the agricultural industry as a whole,  
33 the dry pea and lentil industry is regulated by or must comply with the  
34 additional laws and rules adopted under 7 U.S.C., chapter 38,  
35 agricultural marketing act.

36 **Sec. 25.** RCW 15.66.010 and 2002 c 313 s 39 are each amended to  
37 read as follows:

1 For the purposes of this chapter:

2 (1) "Director" means the director of agriculture of the state of  
3 Washington or any qualified person or persons designated by the  
4 director of agriculture to act for him or her concerning some matter  
5 under this chapter.

6 (2) "Department" means the department of agriculture of the state  
7 of Washington.

8 (3) "Marketing order" means an order adopted by rule by the  
9 director that establishes a commodity commission for an agricultural  
10 commodity pursuant to this chapter.

11 (4) "Agricultural commodity" means any of the following commodities  
12 or products: Llamas, alpacas, or any other animal or any distinctive  
13 type of agricultural, horticultural, viticultural, vegetable, and/or  
14 animal product, including, but not limited to, products qualifying as  
15 organic (~~feed~~) products under chapter 15.86 RCW and private sector  
16 cultured aquatic products as defined in RCW 15.85.020 and other fish  
17 and fish products, within its natural or processed state, including  
18 beehives containing bees and honey and Christmas trees but not  
19 including timber or timber products. The director is authorized to  
20 determine what kinds, types or subtypes should be classed together as  
21 an agricultural commodity for the purposes of this chapter.

22 (5) "Producer" means any person engaged in the business of  
23 producing or causing to be produced for market in commercial quantities  
24 any agricultural commodity. "To produce" means to act as a producer.  
25 For the purposes of this chapter, "producer" shall include bailees who  
26 contract to produce or grow any agricultural product on behalf of a  
27 bailor who retains title to the seed and its resulting agricultural  
28 product or the agricultural product delivered for further production or  
29 increase.

30 (6) "Affected producer" means any producer who is subject to a  
31 marketing order.

32 (7) "Affected commodity" means the agricultural commodity that is  
33 specified in the marketing order.

34 (8) "Commodity commission" or "commission" means a commission  
35 formed to carry out the purposes of this chapter under a particular  
36 marketing order concerning an affected commodity.

37 (9) "Unit" means a unit of volume, quantity or other measure in  
38 which an agricultural commodity is commonly measured.

1 (10) "Unfair trade practice" means any practice which is unlawful  
2 or prohibited under the laws of the state of Washington including but  
3 not limited to Titles 15, 16 and 69 RCW and chapters 9.16, 19.77,  
4 19.80, 19.84, and 19.83 RCW, or any practice, whether concerning  
5 interstate or intrastate commerce that is unlawful under the provisions  
6 of the act of Congress of the United States, September 26, 1914,  
7 chapter 311, section 5, 38 U.S. Statutes at Large 719 as amended, known  
8 as the "Federal Trade Commission Act of 1914", or the violation of or  
9 failure accurately to label as to grades and standards in accordance  
10 with any lawfully established grades or standards or labels.

11 (11) "Person" includes any individual, firm, corporation, limited  
12 liability company, trust, association, partnership, society, or any  
13 other organization of individuals or any unit or agency of local,  
14 state, or federal government.

15 (12) "Cooperative association" means any incorporated or  
16 unincorporated association of producers which conforms to the  
17 qualifications set out in the act of Congress of the United States,  
18 Feb. 18, 1922, chapter 57, sections 1 and 2, 42 U.S. Statutes at Large  
19 388 as amended, known as the "Capper-Volstead Act" and which is engaged  
20 in making collective sales or in marketing any agricultural commodity  
21 or product thereof or in rendering service for or advancing the  
22 interests of the producers of such commodity on a nonprofit cooperative  
23 basis.

24 (13) "Member of a cooperative association" or "member" means any  
25 producer of an agricultural commodity who markets his or her product  
26 through such cooperative association and who is a voting stockholder of  
27 or has a vote in the control of or is under a marketing agreement with  
28 such cooperative association with respect to such product.

29 (14) "Affected handler" means any handler of an affected commodity.

30 (15) "Affected parties" means any producer, affected producer,  
31 handler, or commodity commission member.

32 (16) "Assessment" means the monetary amount established in a  
33 marketing order that is to be paid by each affected producer to a  
34 commission in accordance with the schedule established in the marketing  
35 order.

36 (17) "Mail" or "send," for purposes of any notice relating to rule  
37 making, referenda, or elections, means regular mail or electronic

1 distribution, as provided in RCW 34.05.260 for rule making.  
2 "Electronic distribution" or "electronically" means distribution by  
3 electronic mail or facsimile mail.

4 (18) "Handler" means any person who acts, either as principal,  
5 agent, or otherwise, in the processing, selling, marketing, or  
6 distributing of an agricultural commodity that is not produced by the  
7 handler. "Handler" does not include a common carrier used to transport  
8 an agricultural commodity. "To handle" means to act as a handler.

9 (19) "List of affected parties" means a list containing the names  
10 and mailing addresses of affected parties. This list must contain the  
11 names and addresses of all affected parties and, if requested by the  
12 director, the amount, by unit, of the affected commodity produced  
13 during a designated period under this chapter.

14 (20) "List of affected producers" means a list containing the names  
15 and mailing addresses of affected producers. This list must contain  
16 the names and addresses of all affected producers and, if requested by  
17 the director, the amount, by unit, of the affected commodity produced  
18 during a designated period under this chapter.

19 (21) "List of affected handlers" means a list containing the names  
20 and addresses of affected handlers. This list must contain the names  
21 and addresses of all affected handlers and, if requested by the  
22 director, the amount, by unit, of the affected commodity handled during  
23 a designated period under this chapter.

24 (22) "Percent by numbers" means the percent of those persons on the  
25 list of affected parties or affected producers.

26 (23) "Referendum" means a vote by the affected parties or affected  
27 producers which is conducted by secret ballot.

28 (24) "Rule-making proceedings" means rule making under chapter  
29 34.05 RCW.

30 (25) "Vacancy" means that a commission member leaves or is removed  
31 from a position on the commission prior to the end of a term, or a  
32 nomination process for the beginning of a term concludes with no  
33 candidates for a position.

34 (26) "Volume of production" means the percent of the average volume  
35 of production of the affected commodity of those on the list of  
36 affected parties or affected producers for a production period. For  
37 the purposes of this chapter, a production period is a minimum three-  
38 year period or as specified in the marketing order.



1       **Sec. 26.** RCW 15.66.017 and 2002 c 313 s 41 are each amended to  
2 read as follows:

3       This chapter and the rules adopted under it are only one aspect of  
4 the comprehensively regulated agricultural industry.

5       (1) Other laws applicable to agricultural commodities include the  
6 following chapters and the rules adopted thereunder:

7       Chapter 15.08 RCW Horticultural pests and diseases;

8       Chapter 15.13 RCW Horticultural plants, Christmas trees, and  
9 facilities--Inspection and licensing;

10       Chapter 15.14 RCW Planting stock;

11       Chapter 15.15 RCW Certified seed potatoes;

12       Chapter 15.17 RCW Standards of grades and packs;

13       Chapter 15.19 RCW Certification and inspection of ginseng;

14       Chapter 15.30 RCW Controlled atmosphere storage of fruits and  
15 vegetables;

16       Chapter 15.49 RCW Seeds;

17       Chapter 15.53 RCW Commercial feed;

18       Chapter 15.54 RCW Fertilizers, minerals, and limes;

19       Chapter 15.58 RCW Washington pesticide control act;

20       Chapter 15.60 RCW Apiaries;

21       Chapter 15.64 RCW Farm marketing;

22       Chapter 15.83 RCW Agricultural marketing and fair practices;

23       Chapter 15.85 RCW Aquaculture marketing;

24       Chapter 15.86 RCW Organic (~~food~~) products;

25       Chapter 15.92 RCW Center for sustaining agriculture and natural  
26 resources;

27       Chapter 17.24 RCW Insect pests and plant diseases;

28       Chapter 19.94 RCW Weights and measures;

29       Chapter 20.01 RCW Agricultural products--Commission merchants,  
30 dealers, brokers, buyers, agents;

31       Chapter 22.09 RCW Agricultural commodities;

32       Chapter 69.04 RCW Food, drugs, cosmetics, and poisons including  
33 provisions of 21 C.F.R. relating to the general manufacturing  
34 practices, food labeling, food standards, food additives, and pesticide  
35 tolerances;

36       Chapter 69.07 RCW Washington food processing act;

37       Chapter 69.25 RCW Washington wholesome eggs and egg products act;

38       Chapter 69.28 RCW Honey;

1           7 U.S.C., section 136, Federal insecticide, fungicide, and  
2 rodenticide act.

3           (2) In addition to the laws and regulations listed in subsection  
4 (1) of this section that apply to the agricultural industry as a whole,  
5 the potato industry is regulated by or must comply with the following  
6 additional laws and the rules or regulations adopted thereunder:

7           (a) 7 C.F.R., Part 51, United States standards for grades of  
8 potatoes;

9           (b) 7 C.F.R., Part 946, Federal marketing order for Irish potatoes  
10 grown in Washington;

11           (c) 7 C.F.R., Part 1207, Potato research and promotion plan.

12           (3) In addition to the laws and regulations listed in subsection  
13 (1) of this section that apply to the agricultural industry as a whole,  
14 the wheat and barley industries are regulated by or must comply with  
15 the following additional laws and the rules adopted thereunder:

16           (a) 7 U.S.C., section 1621, Agricultural marketing act;

17           (b) Chapter 70.94 RCW, Washington clean air act, agricultural  
18 burning.

19           (4) In addition to the laws and regulations listed in subsection  
20 (1) of this section that apply to the agricultural industry as a whole,  
21 the poultry industry is regulated by or must comply with the following  
22 additional laws and the rules adopted thereunder:

23           (a) 21 U.S.C., chapter 10, Poultry and poultry products inspection;

24           (b) 21 U.S.C., chapter 9, Packers and stockyards;

25           (c) 7 U.S.C., section 1621, Agricultural marketing act;

26           (d) Washington fryer commission labeling standards.

27           **Sec. 27.** RCW 15.24.900 and 2002 c 313 s 134 are each amended to  
28 read as follows:

29           (1) This chapter is passed:

30           (a) In the exercise of the police power of the state to assure,  
31 through this chapter, and other chapters, that the apple industry is  
32 highly regulated to protect the public health, to prevent fraudulent  
33 practices, to promote the welfare of the state, and to stabilize and  
34 protect the apple industry of the state as a vital and integral part of  
35 its economy for the benefit of all its citizens;

36           (b) Because the apple crop grown in Washington comprises one of the

1 major agricultural crops of Washington, and that therefore the business  
2 of selling and distributing such crop and the expanding and protection  
3 of its market is of public interest;

4 (c) Because it is necessary and expedient to enhance the reputation  
5 of Washington apples in domestic and foreign markets;

6 (d) Because it is necessary to discover the health giving qualities  
7 and food and dietetic value of Washington apples, and to spread that  
8 knowledge throughout the world in order to increase the consumption of  
9 Washington apples;

10 (e) Because Washington grown apples are handicapped by high freight  
11 rates in competition with eastern and foreign grown apples in the  
12 markets of the world, and this disadvantage can only be overcome by  
13 education and advertising;

14 (f) Because the stabilizing and promotion of the apple industry,  
15 the enlarging of its markets, and the increasing of the consumption of  
16 apples are necessary to assure and increase the payment of taxes to the  
17 state and its subdivisions, to alleviate unemployment within the state,  
18 and increase wages for agricultural labor;

19 (g) To disseminate information giving the public full knowledge of  
20 the manner of production, the cost and expense thereof, the care taken  
21 to produce and sell only apples of the finest quality, the methods and  
22 care used in preparing for market, and the methods of sale and  
23 distribution to increase the amount secured by the producer therefor,  
24 so that they can pay higher wages and pay their taxes, and by such  
25 information to reduce the cost of distribution so that the spread  
26 between the cost to the consumer and the amount received by the  
27 producer will be reduced to the minimum absolutely necessary; and

28 (h) To protect the general public by educating it in reference to  
29 the various varieties and grades of Washington apples, the time to use  
30 and consume each variety, and the uses to which each variety should be  
31 put.

32 (2) The history, economy, culture, and future of Washington state's  
33 agricultural industry involves the apple industry. In order to develop  
34 and promote apples and apple products as part of an existing  
35 comprehensive scheme to regulate those products, the legislature  
36 declares:

37 (a) That it is vital to the continued economic well-being of the  
38 citizens of this state and their general welfare that its apple and

1 apple products be properly promoted by establishing orderly, fair,  
2 sound, efficient, and unhampered marketing, grading, and standards of  
3 and for apples and apple products; and by working to stabilize the  
4 apple industry and by increasing consumption of apples and apple  
5 products within the state, nation, and internationally;

6 (b) That apple producers operate within a regulatory environment  
7 that imposes burdens on them for the benefit of society and the  
8 citizens of the state and includes restrictions on marketing autonomy.  
9 Those restrictions may impair the agricultural producer's ability to  
10 compete in local, domestic, and foreign markets;

11 (c) That it is in the overriding public interest that support for  
12 the apple industry be clearly expressed, that adequate protection be  
13 given to agricultural commodities, uses, activities, and operations,  
14 and that apples and apple products be promoted individually, as well as  
15 part of a comprehensive promotion of the agricultural industry to:

16 (i) Enhance the reputation and image of Washington state's  
17 agricultural industry;

18 (ii) Increase the sale and use of apples and apple products in  
19 local, domestic, and foreign markets;

20 (iii) Protect the public and consumers by correcting any false or  
21 misleading information and by educating the public in reference to the  
22 quality, care, and methods used in the production of apples and apple  
23 products, and in reference to the various sizes, grades, and varieties  
24 of apples and the uses to which each should be put;

25 (iv) Increase the knowledge of the health-giving qualities and  
26 dietetic value of apple products; and

27 (v) Support and engage in programs or activities that benefit the  
28 production, handling, processing, marketing, and uses of apples and  
29 apple products;

30 (d) That the apple industry is a highly regulated industry and that  
31 this chapter and the rules adopted under it are only one aspect of the  
32 regulation of the industry. Other regulations and restraints  
33 applicable to the apple industry include:

34 (i) Washington agriculture general provisions, chapter 15.04 RCW;

35 (ii) Pests and diseases, chapter 15.08 RCW;

36 (iii) Standards of grades and packs, chapter 15.17 RCW;

37 (iv) Tree fruit research, chapter 15.26 RCW;

38 (v) Controlled atmosphere storage, chapter 15.30 RCW;

1 (vi) Higher education in agriculture, chapter ((~~28.30~~[~~28B.30~~]))  
2 28B.30 RCW;  
3 (vii) Department of agriculture, chapter 43.23 RCW;  
4 (viii) Fertilizers, minerals, and limes under chapter 15.54 RCW;  
5 (ix) Organic ((~~food~~)) products act under chapter 15.86 RCW;  
6 (x) Intrastate commerce in food, drugs, and cosmetics under chapter  
7 69.04 RCW and rules;  
8 (xi) Horticultural plants, Christmas trees, and facilities--  
9 Inspection and licensing under chapter 15.13 RCW;  
10 (xii) Planting stock under chapter 15.14 RCW;  
11 (xiii) Washington pesticide control act under chapter 15.58 RCW;  
12 (xiv) Farm marketing under chapter 15.64 RCW;  
13 (xv) Insect pests and plant diseases under chapter 17.24 RCW;  
14 (xvi) Weights and measures under chapter 19.94 RCW;  
15 (xvii) Agricultural products--Commission merchants, dealers,  
16 brokers, buyers, and agents under chapter 20.01 RCW; and  
17 (xviii) The federal insecticide, fungicide, and rodenticide act  
18 under 7 U.S.C. Sec. 136; and  
19 (e) That this chapter is in the exercise of the police powers of  
20 this state for the purposes of protecting the health, peace, safety,  
21 and general welfare of the people of this state.

22 **Sec. 28.** RCW 15.28.015 and 2002 c 313 s 103 are each amended to  
23 read as follows:

24 The history, economy, culture, and the future of Washington state's  
25 agriculture involves the production of soft tree fruits. In order to  
26 develop and promote Washington's soft tree fruits as part of an  
27 existing comprehensive regulatory scheme the legislature declares:

- 28 (1) That the Washington state fruit commission is created;  
29 (2) That it is vital to the continued economic well-being of the  
30 citizens of this state and their general welfare that its soft tree  
31 fruits be properly promoted by (a) enabling the soft tree fruit  
32 industry to help themselves in establishing orderly, fair, sound,  
33 efficient, and unhampered cooperative marketing, grading, and  
34 standardizing of soft tree fruits they produce; and (b) working to  
35 stabilize the soft tree fruit industry by increasing consumption of  
36 soft tree fruits within the state, the nation, and internationally;

1 (3) That producers of soft tree fruits operate within a regulatory  
2 environment that imposes burdens on them for the benefit of society and  
3 the citizens of the state and includes restrictions on marketing  
4 autonomy. Those restrictions may impair the producers of soft tree  
5 fruits in their ability to compete in local, domestic, and foreign  
6 markets;

7 (4) That it is in the overriding public interest that support for  
8 the soft tree fruit industry be clearly expressed, that adequate  
9 protection be given to agricultural commodities, uses, activities, and  
10 operations, and that soft tree fruits be promoted individually, and as  
11 part of a comprehensive industry to:

12 (a) Enhance the reputation and image of Washington state's  
13 agriculture industry;

14 (b) Increase the sale and use of Washington state's soft tree  
15 fruits in local, domestic, and foreign markets;

16 (c) Protect the public by educating the public in reference to the  
17 quality, care, and methods used in the production of Washington state's  
18 soft tree fruits;

19 (d) Increase the knowledge of the health-giving qualities and  
20 dietetic value of soft tree fruits;

21 (e) Support and engage in cooperative programs or activities that  
22 benefit the production, handling, processing, marketing, and uses of  
23 soft tree fruits produced in Washington state;

24 (5) That this chapter is enacted in the exercise of the police  
25 powers of this state for the purpose of protecting the health, peace,  
26 safety, and general welfare of the people of this state and to  
27 stabilize and protect the soft tree fruit industry of the state; and

28 (6) That the production and marketing of soft tree fruit is a  
29 highly regulated industry and that the provisions of this chapter and  
30 the rules adopted under it are only one aspect of the regulated  
31 industry. Other regulations and restraints applicable to the soft tree  
32 fruit industry include:

33 (a) The federal marketing order under 7 C.F.R. Part 922 (apricots);

34 (b) The federal marketing order under 7 C.F.R. Part 923 (sweet  
35 cherries);

36 (c) The federal marketing order under 7 C.F.R. Part 924 (prunes);

37 (d) The federal marketing order under 7 C.F.R. Part 930 (tart  
38 cherries);

- 1 (e) The federal marketing order under 7 C.F.R. Part 931 (Bartlett  
2 pears);
- 3 (f) Tree fruit research act under chapter 15.26 RCW;
- 4 (g) Controlled atmosphere storage of fruits and vegetables under  
5 chapter 15.30 RCW;
- 6 (h) Organic (~~food~~) products act under chapter 15.86 RCW;
- 7 (i) Intrastate commerce in food, drugs, and cosmetics under chapter  
8 69.04 RCW and rules;
- 9 (j) Washington food processing act under chapter 69.07 RCW;
- 10 (k) Washington food storage warehouses act under chapter 69.10 RCW;
- 11 (l) Weighmasters under chapter 15.80 RCW;
- 12 (m) Horticultural pests and diseases under chapter 15.08 RCW;
- 13 (n) Horticultural plants, Christmas trees, and facilities--  
14 Inspection and licensing under chapter 15.13 RCW;
- 15 (o) Planting stock under chapter 15.14 RCW;
- 16 (p) Standards of grades and packs under chapter 15.17 RCW;
- 17 (q) Washington pesticide control act under chapter 15.58 RCW;
- 18 (r) Farm marketing under chapter 15.64 RCW;
- 19 (s) Insect pests and plant diseases under chapter 17.24 RCW;
- 20 (t) Weights and measures under chapter 19.94 RCW;
- 21 (u) Agricultural products--Commission merchants, dealers, brokers,  
22 buyers, and agents under chapter 20.01 RCW; and
- 23 (v) Rules under the Washington Administrative Code, Title 16.

24 **Sec. 29.** RCW 15.44.015 and 2002 c 313 s 87 are each amended to  
25 read as follows:

26 The history, economy, culture, and the future of Washington state's  
27 agriculture involves the dairy industry. In order to develop and  
28 promote Washington's dairy products as part of an existing  
29 comprehensive scheme to regulate those products the legislature  
30 declares:

31 (1) That the Washington state dairy products commission is created.  
32 The commission may also take actions under the name "the dairy farmers  
33 of Washington";

34 (2) That it is vital to the continued economic well-being of the  
35 citizens of this state and their general welfare that its dairy  
36 products be properly promoted by (a) enabling the dairy industry to  
37 help themselves in establishing orderly, fair, sound, efficient, and

1 unhampered marketing, grading, and standardizing of the dairy products  
2 they produce; and (b) working to stabilize the dairy industry by  
3 increasing consumption of dairy products within the state, the nation,  
4 and internationally;

5 (3) That dairy producers operate within a regulatory environment  
6 that imposes burdens on them for the benefit of society and the  
7 citizens of the state and includes restrictions on marketing autonomy.  
8 Those restrictions may impair the dairy producer's ability to compete  
9 in local, domestic, and foreign markets;

10 (4) That it is in the overriding public interest that support for  
11 the dairy industry be clearly expressed, that adequate protection be  
12 given to agricultural commodities, uses, activities, and operations,  
13 and that dairy products be promoted individually, and as part of a  
14 comprehensive industry to:

15 (a) Enhance the reputation and image of Washington state's  
16 agriculture industry;

17 (b) Increase the sale and use of Washington state's dairy products  
18 in local, domestic, and foreign markets;

19 (c) Protect the public by educating the public in reference to the  
20 quality, care, and methods used in the production of Washington state's  
21 dairy products;

22 (d) Increase the knowledge of the health-giving qualities and  
23 dietetic value of dairy products; and

24 (e) Support and engage in programs or activities that benefit the  
25 production, handling, processing, marketing, and uses of dairy products  
26 produced in Washington state;

27 (5) That this chapter is enacted in the exercise of the police  
28 powers of this state for the purpose of protecting the health, peace,  
29 safety, and general welfare of the people of this state; and

30 (6) That the dairy industry is a highly regulated industry and that  
31 this chapter and the rules adopted under it are only one aspect of the  
32 regulated industry. Other regulations and restraints applicable to the  
33 dairy industry include the:

34 (a) Federal marketing order under 7 C.F.R., Part 1124;

35 (b) Dairy promotion program under the dairy and tobacco adjustment  
36 act of 1983, Subtitle B;

37 (c) Milk and milk products act under chapter 15.36 RCW and rules,  
38 including:



- 1 (i) The national conference of interstate milk shippers pasteurized  
2 milk ordinance;
- 3 (ii) The national conference of interstate milk shippers dry milk  
4 ordinance;
- 5 (iii) Standards for the fabrication of single-service containers;
- 6 (iv) Procedures governing cooperative state-public health service;
- 7 (v) Methods of making sanitation ratings of milk supplies;
- 8 (vi) Evaluation and certification of milk laboratories; and
- 9 (vii) Interstate milk shippers;
- 10 (d) Milk and milk products for animal food act under chapter 15.37  
11 RCW and rules;
- 12 (e) Organic (~~food~~) products act under chapter 15.86 RCW and  
13 rules;
- 14 (f) Intrastate commerce in food, drugs, and cosmetics act under  
15 chapter 69.04 RCW and rules, including provisions of 21 C.F.R. relating  
16 to the general manufacturing practices, milk processing, food labeling,  
17 food standards, and food additives;
- 18 (g) Washington food processing act under chapter 69.07 RCW and  
19 rules;
- 20 (h) Washington food storage warehouses act under chapter 69.10 RCW  
21 and rules;
- 22 (i) Animal health under chapter 16.36 RCW and rules;
- 23 (j) Weighmasters under chapter 15.80 RCW and rules; and
- 24 (k) Dairy nutrient management act under chapter 90.64 RCW and  
25 rules.

26 **Sec. 30.** RCW 15.88.025 and 2002 c 313 s 110 are each amended to  
27 read as follows:

28 The history, economy, culture, and future of Washington state's  
29 agriculture involves the wine industry. In order to develop and  
30 promote wine grapes and wine as part of an existing comprehensive  
31 scheme to regulate those products the legislature declares:

32 (1) That it is vital to the continued economic well-being of the  
33 citizens of this state and their general welfare that its wine grapes  
34 and wine be properly promoted by (a) enabling the wine industry to help  
35 themselves in establishing orderly, fair, sound, efficient, and  
36 unhampered marketing of wine grapes and wines they produce; and (b)

1 working to stabilize the wine industry by increasing markets for wine  
2 grapes and wine within the state, the nation, and internationally;

3 (2) That wine grape growers and wine producers operate within a  
4 regulatory environment that imposes burdens on them for the benefit of  
5 society and the citizens of the state and includes restrictions on  
6 marketing autonomy. Those restrictions may impair the wine grape  
7 growers' and wine producers' ability to compete in local, domestic, and  
8 foreign markets;

9 (3) That it is in the overriding public interest that support for  
10 the wine industry be clearly expressed; that adequate protection be  
11 given to agricultural commodities, uses, activities, and operations;  
12 and that wine grapes and wine be promoted individually, and as part of  
13 a comprehensive industry to:

14 (a) Enhance the reputation and image of Washington state's  
15 agriculture industry;

16 (b) Increase the sale and use of wine grapes and wine in local,  
17 domestic, and foreign markets;

18 (c) Protect the public by educating the public in reference to the  
19 quality, care, and methods used in the production of wine grapes and  
20 wine;

21 (d) Increase the knowledge of the qualities and value of  
22 Washington's wine grapes and wine; and

23 (e) Support and engage in programs or activities that benefit the  
24 production, handling, processing, marketing, and uses of wine grapes  
25 and wine;

26 (4) That this chapter is enacted in the exercise of the police  
27 powers of this state for the purpose of protecting the health, peace,  
28 safety, and general welfare of the people of this state; and

29 (5) That the production and marketing of wine grapes and wine is a  
30 highly regulated industry and that the provisions of this chapter and  
31 the rules adopted under it are only one aspect of the regulated  
32 industry. Other regulations and restraints applicable to the wine  
33 grape and wine industry include:

34 (a) Organic (~~food~~) products act under chapter 15.86 RCW;

35 (b) Horticultural pests and diseases under chapter 15.08 RCW;

36 (c) Horticultural plants, Christmas trees, and facilities--  
37 Inspection and licensing under chapter 15.13 RCW;

38 (d) Planting stock under chapter 15.14 RCW;

- 1 (e) Washington pesticide control act under chapter 15.58 RCW;  
2 (f) Insect pests and plant diseases under chapter 17.24 RCW;  
3 (g) Wholesale distributors and suppliers of wine and malt beverages  
4 under chapter 19.126 RCW;  
5 (h) Weights and measures under chapter 19.94 RCW;  
6 (i) Title 66 RCW, alcoholic beverage control;  
7 (j) Title 69 RCW, food, drugs, cosmetics, and poisons including  
8 provisions of 21 C.F.R. relating to the general manufacturing  
9 practices, food labeling, food standards, food additives, and pesticide  
10 tolerances;  
11 (k) Chapter 69.07 RCW, Washington food processing act;  
12 (l) 27 U.S.C., Secs. 201 through 211, 213 through 219a, and 122A;  
13 (m) 27 C.F.R., Parts 1, 6, 9, 10, 12, 16, 240, 251, 252; and  
14 (n) Rules under Titles 16 and 314 WAC, and rules adopted under  
15 chapter 15.88 RCW.

16 **Sec. 31.** RCW 15.89.025 and 2006 c 330 s 3 are each amended to read  
17 as follows:

18 The history, economy, culture, and future of Washington state's  
19 agriculture involve the beer industry. In order to develop and promote  
20 beer as part of an existing comprehensive scheme to regulate those  
21 products, the legislature declares that:

22 (1) It is vital to the continued economic well-being of the  
23 citizens of this state and their general welfare that beer produced in  
24 Washington state be properly promoted;

25 (2) It is in the overriding public interest that support for the  
26 Washington beer industry be clearly expressed and that beer be promoted  
27 individually, and as part of a comprehensive industry to:

28 (a) Enhance the reputation and image of Washington state's  
29 agriculture industry;

30 (b) Protect the public by educating the public in reference to the  
31 quality, care, and methods used in the production of beer;

32 (c) Increase the knowledge of the qualities and value of  
33 Washington's beer; and

34 (d) Support and engage in programs or activities that benefit the  
35 production, handling, processing, marketing, and uses of beer;

36 (3) This chapter is enacted in the exercise of the police powers of

1 this state to protect the health, peace, safety, and general welfare of  
2 the people of this state; and

3 (4) The production and marketing of beer is a highly regulated  
4 industry and this chapter and the rules adopted under it are only one  
5 aspect of the regulated industry. Other laws applicable to the beer  
6 industry include:

7 (a) The organic ((~~food~~)) products act, chapter 15.86 RCW;

8 (b) The wholesale distributors and suppliers of malt beverages,  
9 chapter 19.126 RCW;

10 (c) Weights and measures, chapter 19.94 RCW;

11 (d) Title 66 RCW, alcoholic beverage control;

12 (e) Title 69 RCW, food, drugs, cosmetics, and poisons;

13 (f) 21 C.F.R. as it relates to general manufacturing practices,  
14 food labeling, food standards, food additives, and pesticide  
15 tolerances;

16 (g) Chapter 69.07 RCW, Washington food processing act;

17 (h) 27 U.S.C. Secs. 201 through 211, 213 through 219a, and 122A;

18 (i) 27 C.F.R. Parts 1, 6, 9, 10, 12, 16, 240, 251, and 252; and

19 (j) Rules under Title 314 WAC.

20 **Sec. 32.** RCW 15.92.010 and 1995 c 390 s 4 are each amended to read  
21 as follows:

22 Unless the context clearly requires otherwise, the definitions in  
23 this section apply throughout this chapter.

24 (1) "Agricultural commodity" means any distinctive type of  
25 agricultural, horticultural, viticultural, floricultural, vegetable, or  
26 animal product, including but not limited to, products qualifying as  
27 organic ((~~food~~)) products under chapter 15.86 RCW, private sector  
28 cultured aquatic products as defined in RCW 15.85.020, bees and honey,  
29 and Christmas trees but not including timber or timber products.

30 (2) "Center" means the center for sustaining agriculture and  
31 natural resources established at Washington State University.

32 (3) "Laboratory" means the food and environmental quality  
33 laboratory established at Washington State University at Tri-Cities.

34 (4) "Integrated pest management" is a strategy that uses various  
35 combinations of pest control methods, biological, cultural, and  
36 chemical, in a compatible manner to achieve satisfactory control and  
37 ensure favorable economic and environmental consequences.

1 (5) "IR-4 program" means interregional research project number  
2 four, clearances of chemicals and biologics for minor or special uses,  
3 established in 1963 by the cooperative state research service of the  
4 United States department of agriculture, the coordinated national  
5 program involving land-grant universities and the United States  
6 department of agriculture to provide data required for the registration  
7 of pesticides needed for the production of minor crops.

8 (6) "Minor crop" means an agricultural crop considered to be minor  
9 in the national context of registering pesticides.

10 (7) "Minor use" means a pesticide use considered to be minor in the  
11 national context of registering pesticides including, but not limited  
12 to, a use for a special local need.

13 (8) "Natural resources" means soil, water, air, forests, wetlands,  
14 wildlands, and wildlife.

15 (9) "Pesticide" means chemical or biologic used to control pests  
16 such as insect, rodent, nematode, snail, slug, weed, virus, or any  
17 organism the director of agriculture may declare to be a pest.

18 (10) "Registration" means use of a pesticide approved by the state  
19 department of agriculture.

20 (11) "Sustainable agriculture" means a systems approach to farming,  
21 ranching, and natural resource production that builds on and supports  
22 the physical, biological, and ecological resource base upon which  
23 agriculture depends. The goals of sustainable agriculture are to  
24 provide human food and fiber needs in an economically viable manner for  
25 the agriculture industry and in a manner which protects the environment  
26 and contributes to the overall safety and quality of life.

27 **Sec. 33.** RCW 15.115.020 and 2009 c 33 s 2 are each amended to read  
28 as follows:

29 The wheat and barley industries are highly regulated industries,  
30 and this chapter and the rules adopted under it are only one aspect of  
31 the regulation of those industries. Other regulations and restraints  
32 applicable to the wheat and barley industries include:

33 (1) Chapter 15.04 RCW, Washington agriculture general provisions;

34 (2) Chapter 15.08 RCW, horticultural pests and diseases;

35 (3) Chapter 15.14 RCW, planting stock;

36 (4) Chapter 15.49 RCW, seeds;

37 (5) Chapter 15.54 RCW, fertilizers, minerals, and limes;

- 1 (6) Chapter 15.58 RCW, Washington pesticide control act;
- 2 (7) Chapter 15.64 RCW, farm marketing;
- 3 (8) Chapter 15.83 RCW, agricultural marketing and fair practices;
- 4 (9) Chapter 15.86 RCW, organic (~~food~~) products;
- 5 (10) Chapter 15.92 RCW, center for sustaining agriculture and
- 6 natural resources;
- 7 (11) Chapter 17.24 RCW, insect pests and plant diseases;
- 8 (12) Chapter 19.94 RCW, weights and measures;
- 9 (13) Chapter 20.01 RCW, agricultural products--commission
- 10 merchants, dealers, brokers, buyers, agents;
- 11 (14) Chapter 22.09 RCW, agricultural commodities;
- 12 (15) Chapter 43.23 RCW, department of agriculture;
- 13 (16) Chapter 69.04 RCW, food, drugs, cosmetics, and poisons
- 14 including provisions of Title 21 U.S.C. relating to the general
- 15 manufacturing practices, food labeling, food standards, food additives,
- 16 and pesticide tolerances;
- 17 (17) Chapter 70.94 RCW, Washington clean air act, agricultural
- 18 burning;
- 19 (18) 7 U.S.C., Sec. 136, federal insecticide, fungicide, and
- 20 rodenticide act; and
- 21 (19) 7 U.S.C., Sec. 1621, agricultural marketing act.

22 **Sec. 34.** RCW 16.67.035 and 2002 c 313 s 79 are each amended to  
23 read as follows:

24 The history, economy, culture, and the future of Washington state's  
25 agriculture involves the beef industry. In order to develop and  
26 promote beef and beef products as part of an existing comprehensive  
27 scheme to regulate those products the legislature declares:

- 28 (1) That the Washington state beef commission is created;
- 29 (2) That it is vital to the continued economic well-being of the
- 30 citizens of this state and their general welfare that its beef and beef
- 31 products be properly promoted by (a) enabling the beef industry to help
- 32 themselves in establishing orderly, fair, sound, efficient, and
- 33 unhampered marketing, grading, and standardizing of beef and beef
- 34 products they produce; and (b) working to stabilize the beef industry
- 35 by increasing consumption of beef and beef products within the state,
- 36 the nation, and internationally;

1 (3) That beef producers operate within a regulatory environment  
2 that imposes burdens on them for the benefit of society and the  
3 citizens of the state and includes restrictions on marketing autonomy.  
4 Those restrictions may impair the beef producer's ability to compete in  
5 local, domestic, and foreign markets;

6 (4) That it is in the overriding public interest that support for  
7 the beef industry be clearly expressed, that adequate protection be  
8 given to agricultural commodities, uses, activities, and operations,  
9 and that beef and beef products be promoted individually, and as part  
10 of a comprehensive industry to:

11 (a) Enhance the reputation and image of Washington state's  
12 agriculture industry;

13 (b) Increase the sale and use of beef products in local, domestic,  
14 and foreign markets;

15 (c) Protect the public by educating the public in reference to the  
16 quality, care, and methods used in the production of beef and beef  
17 products, and in reference to the various cuts and grades of beef and  
18 the uses to which each should be put;

19 (d) Increase the knowledge of the health-giving qualities and  
20 dietetic value of beef products; and

21 (e) Support and engage in programs or activities that benefit the  
22 production, handling, processing, marketing, and uses of beef and beef  
23 products;

24 (5) That this chapter is enacted in the exercise of the police  
25 powers of this state for the purpose of protecting the health, peace,  
26 safety, and general welfare of the people of this state; and

27 (6) That the beef industry is a highly regulated industry and that  
28 this chapter and the rules adopted under it are only one aspect of the  
29 regulated industry. Other regulations and restraints applicable to the  
30 beef industry include the:

31 (a) Beef promotion and research act of 1985, U.S.C. Title 7,  
32 chapter 62;

33 (b) Beef promotion and research, 7 C.F.R., Part 1260;

34 (c) Agricultural marketing act, 7 U.S.C., section 1621;

35 (d) USDA meat grading, certification, and standards, 7 C.F.R., Part  
36 54;

37 (e) Mandatory price reporting, 7 C.F.R., Part 57;

38 (f) Grazing permits, 43 C.F.R., Part 2920;

- 1 (g) Capper-Volstead act, U.S.C. Title 7, chapters 291 and 292;  
2 (h) Livestock identification under chapter 16.57 RCW and rules;  
3 (i) Organic ((~~food~~)) products act under chapter 15.86 RCW and  
4 rules;  
5 (j) Intrastate commerce in food, drugs, and cosmetics act under  
6 chapter 69.04 RCW and rules, including provisions of 21 C.F.R. relating  
7 to the general manufacturing practices, food labeling, food standards,  
8 food additives, and pesticide tolerances;  
9 (k) Washington food processing act under chapter 69.07 RCW and  
10 rules;  
11 (l) Washington food storage warehouses act under chapter 69.10 RCW  
12 and rules;  
13 (m) Animal health under chapter 16.36 RCW and rules; and  
14 (n) Weights and measures under chapter 19.94 RCW and rules.

15 **Sec. 35.** RCW 15.58.030 and 2004 c 100 s 6 are each amended to read  
16 as follows:

17 As used in this chapter the words and phrases defined in this  
18 section shall have the meanings indicated unless the context clearly  
19 requires otherwise.

20 (1) "Active ingredient" means any ingredient which will prevent,  
21 destroy, repel, control, or mitigate pests, or which will act as a  
22 plant regulator, defoliant, desiccant, or spray adjuvant.

23 (2) "Antidote" means the most practical immediate treatment in case  
24 of poisoning and includes first aid treatment.

25 (3) "Arthropod" means any invertebrate animal that belongs to the  
26 phylum arthropoda, which in addition to insects, includes allied  
27 classes whose members are wingless and usually have more than six legs;  
28 for example, spiders, mites, ticks, centipedes, and isopod crustaceans.

29 (4) "Complete wood destroying organism inspection" means inspection  
30 for the purpose of determining evidence of infestation, damage, or  
31 conducive conditions as part of the transfer, exchange, or refinancing  
32 of any structure in Washington state. Complete wood destroying  
33 organism inspections include any wood destroying organism inspection  
34 that is conducted as the result of telephone solicitation by an  
35 inspection, pest control, or other business, even if the inspection  
36 would fall within the definition of a specific wood destroying organism  
37 inspection.



1 (5) "Defoliant" means any substance or mixture of substances  
2 intended to cause the leaves or foliage to drop from a plant with or  
3 without causing abscission.

4 (6) "Department" means the Washington state department of  
5 agriculture.

6 (7) "Desiccant" means any substance or mixture of substances  
7 intended to artificially accelerate the drying of plant tissues.

8 (8) "Device" means any instrument or contrivance intended to trap,  
9 destroy, control, repel, or mitigate pests, or to destroy, control,  
10 repel or mitigate fungi, nematodes, or such other pests, as may be  
11 designated by the director, but not including equipment used for the  
12 application of pesticides when sold separately from the pesticides.

13 (9) "Director" means the director of the department or a duly  
14 authorized representative.

15 (10) "Distribute" means to offer for sale, hold for sale, sell,  
16 barter, or supply pesticides in this state.

17 (11) "EPA" means the United States environmental protection agency.

18 (12) "EPA restricted use pesticide" means any pesticide with  
19 restricted uses as classified for restricted use by the administrator,  
20 EPA.

21 (13) "FIFRA" means the federal insecticide, fungicide, and  
22 rodenticide act as amended (61 Stat. 163, 7 U.S.C. Sec. 136 et seq.).

23 (14) "Fungi" means all nonchlorophyll-bearing thallophytes (all  
24 nonchlorophyll-bearing plants of a lower order than mosses and  
25 liverworts); for example, rusts, smuts, mildews, molds, yeasts, and  
26 bacteria, except those on or in living persons or other animals.

27 (15) "Fungicide" means any substance or mixture of substances  
28 intended to prevent, destroy, repel, or mitigate any fungi.

29 (16) "Herbicide" means any substance or mixture of substances  
30 intended to prevent, destroy, repel, or mitigate any weed.

31 (17) "Inert ingredient" means an ingredient which is not an active  
32 ingredient.

33 (18) "Ingredient statement" means a statement of the name and  
34 percentage of each active ingredient together with the total percentage  
35 of the inert ingredients in the pesticide, and when the pesticide  
36 contains arsenic in any form, the ingredient statement shall also  
37 include percentages of total and water soluble arsenic, each calculated

1 as elemental arsenic. The ingredient statement for a spray adjuvant  
2 must be consistent with the labeling requirements adopted by rule.

3 (19) "Insect" means any of the numerous small invertebrate animals  
4 whose bodies are more or less obviously segmented, and which for the  
5 most part belong to the class insecta, comprising six-legged, usually  
6 winged forms, for example, beetles, bugs, bees, flies, and to other  
7 allied classes of arthropods whose members are wingless and usually  
8 have more than six legs, for example, spiders, mites, ticks,  
9 centipedes, and isopod crustaceans.

10 (20) "Insecticide" means any substance or mixture of substances  
11 intended to prevent, destroy, repel, or mitigate any insects which may  
12 be present in any environment whatsoever.

13 (21) "Inspection control number" means a number obtained from the  
14 department that is recorded on wood destroying organism inspection  
15 reports issued by a structural pest inspector in conjunction with the  
16 transfer, exchange, or refinancing of any structure.

17 (22) "Label" means the written, printed, or graphic matter on, or  
18 attached to, the pesticide, device, or immediate container, and the  
19 outside container or wrapper of the retail package.

20 (23) "Labeling" means all labels and other written, printed, or  
21 graphic matter:

22 (a) Upon the pesticide, device, or any of its containers or  
23 wrappers;

24 (b) Accompanying the pesticide, or referring to it in any other  
25 media used to disseminate information to the public; and

26 (c) To which reference is made on the label or in literature  
27 accompanying or referring to the pesticide or device except when  
28 accurate nonmisleading reference is made to current official  
29 publications of the department, United States departments of  
30 agriculture; interior; education; health and human services; state  
31 agricultural colleges; and other similar federal or state institutions  
32 or agencies authorized by law to conduct research in the field of  
33 pesticides.

34 (24) "Land" means all land and water areas, including airspace and  
35 all plants, animals, structures, buildings, devices and contrivances,  
36 appurtenant thereto or situated thereon, fixed or mobile, including any  
37 used for transportation.

1 (25) "Master license system" means the mechanism established by  
2 chapter 19.02 RCW by which master licenses, endorsed for individual  
3 state-issued licenses, are issued and renewed using a master  
4 application and a master license expiration date common to each  
5 renewable license endorsement.

6 (26) "Nematocide" means any substance or mixture of substances  
7 intended to prevent, destroy, repel, or mitigate nematodes.

8 (27) "Nematode" means any invertebrate animal of the phylum  
9 nemathelminthes and class nematoda, that is, unsegmented round worms  
10 with elongated, fusiform, or saclike bodies covered with cuticle, and  
11 inhabiting soil, water, plants or plant parts, may also be called nemas  
12 or eelworms.

13 (28) "Person" means any individual, partnership, association,  
14 corporation, or organized group of persons whether or not incorporated.

15 (29) "Pest" means, but is not limited to, any insect, rodent,  
16 nematode, snail, slug, weed and any form of plant or animal life or  
17 virus, except virus on or in a living person or other animal, which is  
18 normally considered to be a pest or which the director may declare to  
19 be a pest.

20 (30) "Pest control consultant" means any individual who sells or  
21 offers for sale at other than a licensed pesticide dealer outlet or  
22 location where they are employed, or who offers or supplies technical  
23 advice or makes recommendations to the user of:

24 (a) Highly toxic pesticides, as determined under RCW 15.58.040;

25 (b) EPA restricted use pesticides or restricted use pesticides  
26 which are restricted by rule to distribution by licensed pesticide  
27 dealers only; or

28 (c) Any other pesticide except those pesticides which are labeled  
29 and intended for home and garden use only.

30 (31) "Pesticide" means, but is not limited to:

31 (a) Any substance or mixture of substances intended to prevent,  
32 destroy, control, repel, or mitigate any insect, rodent, snail, slug,  
33 fungus, weed, and any other form of plant or animal life or virus,  
34 except virus on or in a living person or other animal which is normally  
35 considered to be a pest or which the director may declare to be a pest;

36 (b) Any substance or mixture of substances intended to be used as  
37 a plant regulator, defoliant or desiccant; and

38 (c) Any spray adjuvant.

1           (32) (~~"Pesticide advisory board" means the pesticide advisory~~  
2 ~~board as provided for in the Washington pesticide application act.~~

3           ~~(33))~~ "Pesticide dealer" means any person who distributes any of  
4 the following pesticides:

5           (a) Highly toxic pesticides, as determined under RCW 15.58.040;

6           (b) EPA restricted use pesticides or restricted use pesticides  
7 which are restricted by rule to distribution by licensed pesticide  
8 dealers only; or

9           (c) Any other pesticide except those pesticides which are labeled  
10 and intended for home and garden use only.

11           ~~((34))~~ (33) "Pesticide dealer manager" means the owner or other  
12 individual supervising pesticide distribution at one outlet holding a  
13 pesticide dealer license.

14           ~~((35))~~ (34) "Plant regulator" means any substance or mixture of  
15 substances intended through physiological action, to accelerate or  
16 retard the rate of growth or maturation, or to otherwise alter the  
17 behavior of ornamental or crop plants or their produce, but shall not  
18 include substances insofar as they are intended to be used as plant  
19 nutrients, trace elements, nutritional chemicals, plant inoculants, or  
20 soil amendments.

21           ~~((36))~~ (35) "Registrant" means the person registering any  
22 pesticide under the provisions of this chapter.

23           ~~((37))~~ (36) "Restricted use pesticide" means any pesticide or  
24 device which, when used as directed or in accordance with a widespread  
25 and commonly recognized practice, the director determines, subsequent  
26 to a hearing, requires additional restrictions for that use to prevent  
27 unreasonable adverse effects on the environment including people,  
28 lands, beneficial insects, animals, crops, and wildlife, other than  
29 pests.

30           ~~((38))~~ (37) "Rodenticide" means any substance or mixture of  
31 substances intended to prevent, destroy, repel, or mitigate rodents, or  
32 any other vertebrate animal which the director may declare by rule to  
33 be a pest.

34           ~~((39))~~ (38) "Specific wood destroying organism inspection" means  
35 an inspection of a structure for purposes of identifying or verifying  
36 evidence of an infestation of wood destroying organisms prior to pest  
37 management activities.

1 ((+40+)) (39) "Spray adjuvant" means any product intended to be  
2 used with a pesticide as an aid to the application or to the effect of  
3 the pesticide, and which is in a package or container separate from the  
4 pesticide. Spray adjuvant includes, but is not limited to, acidifiers,  
5 compatibility agents, crop oil concentrates, defoaming agents, drift  
6 control agents, modified vegetable oil concentrates, nonionic  
7 surfactants, organosilicone surfactants, stickers, and water  
8 conditioning agents. Spray adjuvant does not include products that are  
9 only intended to mark the location where a pesticide is applied.

10 ((+41+)) (40) "Special local needs registration" means a  
11 registration issued by the director pursuant to provisions of section  
12 24(c) of FIFRA.

13 ((+42+)) (41) "Structural pest inspector" means any individual who  
14 performs the service of conducting a complete wood destroying organism  
15 inspection or a specific wood destroying organism inspection.

16 ((+43+)) (42) "Unreasonable adverse effects on the environment"  
17 means any unreasonable risk to people or the environment taking into  
18 account the economic, social, and environmental costs and benefits of  
19 the use of any pesticide, or as otherwise determined by the director.

20 ((+44+)) (43) "Weed" means any plant which grows where not wanted.

21 ((+45+)) (44) "Wood destroying organism" means insects or fungi  
22 that consume, excavate, develop in, or otherwise modify the integrity  
23 of wood or wood products. Wood destroying organism includes, but is  
24 not limited to, carpenter ants, moisture ants, subterranean termites,  
25 dampwood termites, beetles in the family Anobiidae, and wood decay  
26 fungi (wood rot).

27 ((+46+)) (45) "Wood destroying organism inspection report" means  
28 any written document that reports or comments on the presence or  
29 absence of wood destroying organisms, their damage, and/or conducive  
30 conditions leading to the establishment of such organisms.

31 **Sec. 36.** RCW 17.15.030 and 1997 c 357 s 4 are each amended to read  
32 as follows:

33 (1) A state agency or institution listed in RCW 17.15.020 shall  
34 provide integrated pest management training for employees responsible  
35 for pest management. ~~((The training programs shall be developed in  
36 cooperation with the interagency integrated pest management  
37 coordinating committee created under RCW 17.15.040.))~~

1 (2) A state agency or institution listed in RCW 17.15.020 shall  
2 designate an integrated pest management coordinator (~~(and the~~  
3 ~~department of labor and industries and the office of the superintendent~~  
4 ~~of public instruction shall each designate one representative to serve~~  
5 ~~on the committee established in RCW 17.15.040))~~).

6 **Sec. 37.** RCW 17.21.100 and 1994 c 283 s 9 are each amended to read  
7 as follows:

8 (1) Certified applicators licensed under the provisions of this  
9 chapter, persons required to be licensed under this chapter, all  
10 persons applying pesticides to more than one acre of agricultural land  
11 in a calendar year, including public entities engaged in roadside  
12 spraying of pesticides, and all other persons making landscape  
13 applications of pesticides to types of property listed in RCW  
14 17.21.410(1) (b), (c), (d), and (e), shall keep records for each  
15 application which shall include the following information:

16 (a) The location of the land where the pesticide was applied;

17 (b) The year, month, day and beginning and ending time of the  
18 application of the pesticide each day the pesticide was applied;

19 (c) The product name used on the registered label and the United  
20 States environmental protection agency registration number, if  
21 applicable, of the pesticide which was applied;

22 (d) The crop or site to which the pesticide was applied;

23 (e) The amount of pesticide applied per acre or other appropriate  
24 measure;

25 (f) The concentration of pesticide that was applied;

26 (g) The number of acres, or other appropriate measure, to which the  
27 pesticide was applied;

28 (h) The licensed applicator's name, address, and telephone number  
29 and the name of the individual or individuals making the application  
30 and their license number, if applicable;

31 (i) The direction and estimated velocity of the wind during the  
32 time the pesticide was applied. This subsection (i) shall not apply to  
33 applications of baits in bait stations and pesticide applications  
34 within structures; and

35 (j) Any other reasonable information required by the director in  
36 rule.

1 (2)(a) The required information shall be recorded on the same day  
2 that a pesticide is applied.

3 (b) A commercial pesticide applicator who applies a pesticide to an  
4 agricultural crop or agricultural lands shall provide a copy of the  
5 records required under subsection (1) of this section for the  
6 application to the owner, or to the lessee if applied on behalf of the  
7 lessee, of the lands to which the pesticide is applied. Records  
8 provided by a commercial pesticide applicator to the owner or lessee of  
9 agricultural lands under this subsection need not be provided on a form  
10 adopted by the department.

11 (3) The records required under this section shall be maintained and  
12 preserved by the licensed pesticide applicator or such other person or  
13 entity applying the pesticides for no less than seven years from the  
14 date of the application of the pesticide to which such records refer.  
15 If the pesticide was applied by a commercial pesticide applicator to  
16 the agricultural crop or agricultural lands of a person who employs one  
17 or more employees, as "employee" is defined in RCW 49.70.020, the  
18 records shall also be kept by the employer for a period of seven years  
19 from the date of the application of the pesticide to which the records  
20 refer.

21 (4)(a) The pesticide records shall be readily accessible to the  
22 department for inspection. Copies of the records shall be provided on  
23 request to: The department; the department of labor and industries;  
24 treating health care personnel initiating diagnostic testing or therapy  
25 for a patient with a suspected case of pesticide poisoning; the  
26 department of health; (~~the pesticide incident reporting and tracking  
27 review panel;~~) and, in the case of an industrial insurance claim filed  
28 under Title 51 RCW with the department of labor and industries, the  
29 employee or the employee's designated representative. In addition, the  
30 director may require the submission of the records on a routine basis  
31 within thirty days of the application of any restricted use pesticide  
32 in prescribed areas controlling the use of the restricted use  
33 pesticide. When a request for records is made under this subsection by  
34 treating health care personnel and the record is required for  
35 determining treatment, copies of the record shall be provided  
36 immediately. For all other requests, copies of the record shall be  
37 provided within seventy-two hours.

1 (b) Copies of records provided to a person or entity under this  
2 subsection (4) shall, if so requested, be provided on a form adopted  
3 under subsection (7) of this section. Information for treating health  
4 care personnel shall be made immediately available by telephone, if  
5 requested, with a copy of the records provided within twenty-four  
6 hours.

7 (5) If a request for a copy of the record is made under this  
8 section from an applicator referred to in subsection (1) of this  
9 section and the applicator refuses to provide a copy, the requester may  
10 notify the department of the request and the applicator's refusal.  
11 Within seven working days, the department shall request that the  
12 applicator provide the department with all pertinent copies of the  
13 records, except that in a medical emergency the request shall be made  
14 within two working days. The applicator shall provide copies of the  
15 records to the department within twenty-four hours after the  
16 department's request.

17 (6) The department shall include inspection of the records required  
18 under this section as part of any on-site inspection conducted under  
19 this chapter on agricultural lands. The inspection shall determine  
20 whether the records are readily transferable to a form adopted by the  
21 department and are readily accessible to employees. However, no person  
22 subject to a department inspection may be inspected under this  
23 subsection (6) more than once in any calendar year, unless a previous  
24 inspection has found recordkeeping violations. If recordkeeping  
25 violations are found, the department may conduct reasonable multiple  
26 inspections, pursuant to rules adopted by the department. Nothing in  
27 this subsection (6) limits the department's inspection of records  
28 pertaining to pesticide-related injuries, illnesses, fatalities,  
29 accidents, or complaints.

30 (7) The department of agriculture and the department of labor and  
31 industries shall jointly adopt, by rule, forms that satisfy the  
32 information requirements of this section.

33 **Sec. 38.** RCW 19.94.015 and 1995 c 355 s 1 are each amended to read  
34 as follows:

35 (1) Except as provided in subsection (4) of this section for the  
36 initial registration of an instrument or device, no weighing or  
37 measuring instrument or device may be used for commercial purposes in



1 the state unless its commercial use is registered annually. If its  
2 commercial use is within a city that has a city sealer and a weights  
3 and measures program as provided by RCW 19.94.280, the commercial use  
4 of the instrument or device shall be registered with the city if the  
5 city has adopted fees pursuant to subsection (2) of this section. If  
6 its commercial use is outside of such a city, the commercial use of the  
7 instrument or device shall be registered with the department.

8 (2) A city with such a sealer and program may establish an annual  
9 fee for registering the commercial use of such a weighing or measuring  
10 instrument or device with the city. The annual fee shall not exceed  
11 the fee established in RCW 19.94.175 for registering the use of a  
12 similar instrument or device with the department. Fees upon weighing  
13 or measuring instruments or devices within the jurisdiction of the city  
14 that are collected under this subsection by city sealers shall be  
15 deposited into the general fund, or other account, of the city as  
16 directed by the governing body of the city.

17 (3) Registrations with the department are accomplished as part of  
18 the master license system under chapter 19.02 RCW. Payment of the  
19 registration fee for a weighing or measuring instrument or device under  
20 the master license system constitutes the registration required by this  
21 section.

22 (4) The fees established by or under RCW 19.94.175 for registering  
23 a weighing or measuring instrument or device shall be paid to the  
24 department of licensing concurrently with an application for a master  
25 license or with the annual renewal of a master license under chapter  
26 19.02 RCW. A weighing or measuring instrument or device shall be  
27 initially registered with the state at the time the owner applies for  
28 a master license for a new business or at the first renewal of the  
29 license that occurs after the instrument or device is first placed into  
30 commercial use. (~~However, the use of an instrument or device that is  
31 in commercial use on the effective date of this act shall be initially  
32 registered at the time the first renewal of the master license of the  
33 owner of the instrument or device is due following the effective date  
34 of this act.~~) The department of licensing shall remit to the  
35 department of agriculture all fees collected under this provision less  
36 reasonable collection expenses.

37 (5) Each city charging registration fees under this section shall

1 notify the department of agriculture at the time such fees are adopted  
2 and whenever changes in the fees are adopted.

3 **Sec. 39.** RCW 20.01.010 and 2004 c 212 s 1 are each amended to read  
4 as follows:

5 As used in this title the terms defined in this section have the  
6 meanings indicated unless the context clearly requires otherwise.

7 (1) "Director" means the director of agriculture or a duly  
8 authorized representative.

9 (2) "Person" means any natural person, firm, partnership, exchange,  
10 association, trustee, receiver, corporation, and any member, officer,  
11 or employee thereof or assignee for the benefit of creditors.

12 (3) "Agricultural product" means any unprocessed horticultural,  
13 vermicultural and its by-products, viticultural, berry, poultry,  
14 poultry product, grain, bee, or other agricultural products.  
15 "Agricultural product" also includes (a) mint or mint oil processed by  
16 or for the producer thereof, hay and straw baled or prepared for market  
17 in any manner or form and livestock; and (b) agricultural seed, flower  
18 seed, vegetable seed, other crop seed, and seeds, as defined in chapter  
19 15.49 RCW, however, any disputes regarding responsibilities for seed  
20 clean out are governed exclusively by contracts between the producers  
21 of the seed and conditioners or processors of the seed.

22 (4) "Producer" means any person engaged in the business of growing  
23 or producing any agricultural product, whether as the owner of the  
24 products, or producing the products for others holding the title  
25 thereof.

26 (5) "Consignor" means any producer, person, or his or her agent who  
27 sells, ships, or delivers to any commission merchant, dealer, cash  
28 buyer, or agent, any agricultural product for processing, handling,  
29 sale, or resale.

30 (6) "Commission merchant" means any person who receives on  
31 consignment for sale or processing and sale from the consignor thereof  
32 any agricultural product for sale on commission on behalf of the  
33 consignor, or who accepts any farm product in trust from the consignor  
34 thereof for the purpose of resale, or who sells or offers for sale on  
35 commission any agricultural product, or who in any way handles for the  
36 account of or as an agent of the consignor thereof, any agricultural  
37 product.

1 (7) "Dealer" means any person other than a cash buyer, as defined  
2 in subsection (10) of this section, who solicits, contracts for, or  
3 obtains from the consignor thereof for reselling or processing, title,  
4 possession, or control of any agricultural product, or who buys or  
5 agrees to buy any agricultural product from the consignor thereof for  
6 sale or processing and includes any person, other than one who acts  
7 solely as a producer, who retains title in an agricultural product and  
8 delivers it to a producer for further production or increase. For the  
9 purposes of this chapter, the term dealer includes any person who  
10 purchases livestock on behalf of and for the account of another, or who  
11 purchases cattle in another state or country and imports these cattle  
12 into this state for resale.

13 (8) "Limited dealer" means any person who buys, agrees to buy, or  
14 pays for the production or increase of any agricultural product by  
15 paying to the consignor at the time of obtaining possession or control  
16 of any agricultural product the full agreed price of the agricultural  
17 product and who operates under the alternative bonding provision in RCW  
18 20.01.211.

19 (9) "Broker" means any person other than a commission merchant,  
20 dealer, or cash buyer who negotiates the purchase or sale of any  
21 agricultural product, but no broker may handle the agricultural  
22 products involved or proceeds of the sale.

23 (10) "Cash buyer" means any person other than a commission  
24 merchant, dealer, or broker, who obtains from the consignor thereof for  
25 the purpose of resale or processing, title, possession, or control of  
26 any agricultural product or who contracts for the title, possession, or  
27 control of any agricultural product, or who buys or agrees to buy for  
28 resale any agricultural product by paying to the consignor at the time  
29 of obtaining possession or control of any agricultural product the full  
30 agreed price of the agricultural product, in coin or currency(~~(, lawful~~  
31 ~~money of the United States)~~). However, a cashier's check, certified  
32 check, credit card, or bankdraft may be used for the payment. For the  
33 purposes of this subsection, "agricultural product," does not include  
34 hay, grain, straw, or livestock.

35 (11) "Agent" means any person who, on behalf of any commission  
36 merchant, dealer, broker, or cash buyer, acts as liaison between a  
37 consignor and a principal, or receives, contracts for, or solicits any  
38 agricultural product from the consignor thereof or who negotiates the

1 consignment or purchase of any agricultural product on behalf of any  
2 commission merchant, dealer, broker, or cash buyer and who transacts  
3 all or a portion of that business at any location other than at the  
4 principal place of business of his or her employer. With the exception  
5 of an agent for a commission merchant or dealer handling horticultural  
6 products, an agent may operate only in the name of one principal and  
7 only to the account of that principal.

8 (12) "Retail merchant" means any person operating from a bona fide  
9 or established place of business selling agricultural products twelve  
10 months of each year.

11 (13) "Fixed or established place of business" for the purpose of  
12 this chapter means any permanent warehouse, building, or structure, at  
13 which necessary and appropriate equipment and fixtures are maintained  
14 for properly handling those agricultural products generally dealt in,  
15 and at which supplies of the agricultural products being usually  
16 transported are stored, offered for sale, sold, delivered, and  
17 generally dealt with in quantities reasonably adequate for and usually  
18 carried for the requirements of such a business, and that is recognized  
19 as a permanent business at such place, and carried on as such in good  
20 faith and not for the purpose of evading this chapter, and where  
21 specifically designated personnel are available to handle transactions  
22 concerning those agricultural products generally dealt in, which  
23 personnel are available during designated and appropriate hours to that  
24 business, and shall not mean a residence, barn, garage, tent, temporary  
25 stand or other temporary quarters, any railway car, or permanent  
26 quarters occupied pursuant to any temporary arrangement.

27 (14) "Processor" means any person, firm, company, or other  
28 organization that purchases agricultural crops from a consignor and  
29 that cans, freezes, dries, dehydrates, cooks, presses, powders, or  
30 otherwise processes those crops in any manner whatsoever for eventual  
31 resale.

32 (15) "Pooling contract" means any written agreement whereby a  
33 consignor delivers a horticultural product to a commission merchant  
34 under terms whereby the commission merchant may commingle the  
35 consignor's horticultural products for sale with others similarly  
36 agreeing, which must include all of the following:

37 (a) A delivery receipt for the consignor that indicates the variety

1 of horticultural product delivered, the number of containers, or the  
2 weight and tare thereof;

3 (b) Horticultural products received for handling and sale in the  
4 fresh market shall be accounted for to the consignor with individual  
5 pack-out records that shall include variety, grade, size, and date of  
6 delivery. Individual daily packing summaries shall be available within  
7 forty-eight hours after packing occurs. However, platform inspection  
8 shall be acceptable by mutual contract agreement on small deliveries to  
9 determine variety, grade, size, and date of delivery;

10 (c) Terms under which the commission merchant may use his or her  
11 judgment in regard to the sale of the pooled horticultural product;

12 (d) The charges to be paid by the consignor as filed with the state  
13 of Washington;

14 (e) A provision that the consignor shall be paid for his or her  
15 pool contribution when the pool is in the process of being marketed in  
16 direct proportion, not less than eighty percent of his or her interest  
17 less expenses directly incurred, prior liens, and other advances on the  
18 grower's crop unless otherwise mutually agreed upon between grower and  
19 commission merchant.

20 (16) "Date of sale" means the date agricultural products are  
21 delivered to the person buying the products.

22 (17) "Conditioner" means any person, firm, company, or other  
23 organization that receives seeds from a consignor for drying or  
24 cleaning.

25 (18) "Seed bailment contract" means any contract meeting the  
26 requirements of chapter 15.48 RCW.

27 (19) "Proprietary seed" means any seed that is protected under the  
28 Federal Plant Variety Protection Act.

29 (20) "Licensed public weighmaster" means any person, licensed under  
30 the provisions of chapter 15.80 RCW, who weighs, measures, or counts  
31 any commodity or thing and issues therefor a signed certified  
32 statement, ticket, or memorandum of weight, measure, or count upon  
33 which the purchase or sale of any commodity or upon which the basic  
34 charge of payment for services rendered is based.

35 (21) "Certified weight" means any signed certified statement or  
36 memorandum of weight, measure or count issued by a licensed public  
37 weighmaster in accordance with the provisions of chapter 15.80 RCW.

1 (22) "Licensee" means any person or business licensed under this  
2 chapter as a commission merchant, dealer, limited dealer, broker, cash  
3 buyer, or agent.

4 (23) "Seed" means agricultural seed, flower seed, vegetable seed,  
5 other crop seed, and seeds, as defined in chapter 15.49 RCW.

6 (24) "Seed clean out" means the process of removing impurities from  
7 raw seed product.

8 **Sec. 40.** RCW 20.01.475 and 1971 ex.s. c 182 s 13 are each amended  
9 to read as follows:

10 It shall be prima facie evidence that a licensee licensed under the  
11 provisions of this (~~(1971 amendatory act)~~) chapter is acting as such in  
12 the handling of any agricultural product.

13 **Sec. 41.** RCW 20.01.510 and 1971 ex.s. c 182 s 16 are each amended  
14 to read as follows:

15 In order to carry out the purposes of this (~~(1971 amendatory act)~~)  
16 chapter, the director may require a processor to annually complete a  
17 form prescribed by the director, which, when completed, will show the  
18 maximum processing capacity of each plant operated by the processor in  
19 the state of Washington. Such completed form shall be returned to the  
20 director by a date prescribed by him or her.

21 **Sec. 42.** RCW 20.01.520 and 1971 ex.s. c 182 s 17 are each amended  
22 to read as follows:

23 By a date or dates prescribed prior to planting time by the  
24 director, the director, in order to carry out the purposes of this  
25 (~~(1971 amendatory act)~~) chapter, may require a processor to have filed  
26 with (~~(him)~~) the director:

27 (1) A copy of each contract (~~(he)~~) the processor has entered into  
28 with a grower for the purchase of acres of crops and/or quantity of  
29 crops to be harvested during the present or next growing season; and

30 (2) A notice of each oral commitment (~~(he)~~) the processor has given  
31 to growers for the purchase of acres of crops and/or quantity of crops  
32 to be harvested during the present or next growing season, and such  
33 notice shall disclose the amount of acres and/or quantity to which the  
34 processor has committed himself or herself.

1       **Sec. 43.** RCW 17.24.210 and 1982 c 153 s 3 are each amended to read  
2 as follows:

3       The director of agriculture may, on the behalf of the state of  
4 Washington, enter into indemnity contracts wherein the state of  
5 Washington agrees to repay any person, firm, corporation, or other  
6 entity acting under the direction or control of the proper authority to  
7 provide plant pest or plant disease prevention, control, or eradication  
8 measures as provided in this chapter or any rule adopted pursuant to  
9 the provisions of this chapter, for losses and damages incurred as a  
10 result of such prevention, control, or eradication measures if all of  
11 the following conditions occur:

12       (1) At the time of the incident the worker is performing services  
13 as an emergency measures worker and is acting within the course of his  
14 or her duties as an emergency measures worker;

15       (2) At the time of the injury, loss, or damage, the organization  
16 providing emergency measures by which the worker is employed is an  
17 approved organization for providing emergency measures;

18       (3) The injury, loss, or damage is proximately caused by his or her  
19 service either with or without negligence as an emergency measures  
20 worker;

21       (4) The injury, loss, or damage is not caused by the intoxication  
22 of the worker; and

23       (5) The injury, loss, or damage is not due to (~~wilful~~) willful  
24 misconduct or gross negligence on the part of a worker.

25       Where an act or omission by an emergency services provider in the  
26 course of providing emergency services injures a person or property,  
27 the provider and the state may be jointly and severally liable for the  
28 injury, if state liability is proved under existing or hereafter  
29 enacted law.

30       (~~Each person, firm, corporation, or other entity authorized to~~  
31 ~~provide the prevention, control, or eradication measures implementing~~  
32 ~~a program approved under RCW 17.24.200 shall be identified on a list~~  
33 ~~approved by the director. For the purposes of this section, each~~  
34 ~~person on the list shall be known, for the duration of the person's~~  
35 ~~services under the program, as "an emergency measures worker."~~)

36       NEW SECTION.   **Sec. 44.** RCW 15.58.380 (Board to advise director)  
37 and 1971 ex.s. c 190 s 38 are each repealed.

1        NEW SECTION.    **Sec. 45.**    The purpose of this act is to make  
2 technical, nonsubstantive amendments to the sections included in this  
3 act. No substantive changes to the law are intended or implied.

4        NEW SECTION.    **Sec. 46.**    If any provision of this act or its  
5 application to any person or circumstance is held invalid, the  
6 remainder of the act or the application of the provision to other  
7 persons or circumstances is not affected.

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