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SENATE BILL 5850

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State of Washington                      53rd Legislature                      1993 Regular Session

By Senators M. Rasmussen, Loveland and Barr

Read first time 02/17/93. Referred to Committee on Agriculture.

1            AN ACT Relating to clarifying definitions relating to farmers; and  
2 amending RCW 15.04.010 and 82.04.330.

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

4            **Sec. 1.** RCW 15.04.010 and 1961 c 11 s 15.04.010 are each amended  
5 to read as follows:

6            As used in this title except where otherwise defined:

7            "Agricultural product" means any products of horticulture, grain  
8 cultivation, vermiculture, viticulture, animal husbandry, or  
9 aquaculture as defined in RCW 15.85.020, and includes but is not  
10 limited to any plantation Christmas tree, turf, or any animal, bird, or  
11 insect or the substances obtained from them.

12            "Department" means the department of agriculture.

13            "Director" means the director of agriculture.

14            "Farmer" means any person engaged in the business of growing or  
15 producing for sale upon their own lands, or upon the lands in which  
16 they have a present right of possession, any agricultural product  
17 whatsoever. "Farmer" does not mean a person selling such products  
18 exclusively at retail, persons using such products as ingredients in a  
19 manufacturing process, or persons growing or producing such products

1 for their own consumption. It does not mean any person dealing in  
2 livestock as an operator of a stockyard, slaughter house, or packing  
3 house, nor does it mean any person who is an "extractor" within the  
4 meaning of RCW 82.04.100.

5 "Person" includes any individual, firm, corporation, trust,  
6 association, cooperative, copartnership, society, any other  
7 organization of individuals, and any other business unit, device, or  
8 arrangement.

9 **Sec. 2.** RCW 82.04.330 and 1988 c 253 s 2 are each amended to read  
10 as follows:

11 This chapter shall not apply to any ~~((person in respect to the~~  
12 ~~business of growing or producing for sale upon the person's own lands~~  
13 ~~or upon land in which the person has a present right of possession, any~~  
14 ~~agricultural or horticultural produce or crop, or of raising upon the~~  
15 ~~person's own lands or upon land in which the person has a present right~~  
16 ~~of possession, any plantation Christmas tree or any animal, bird, fish,~~  
17 ~~or insect, or the milk, eggs, wool, fur, meat, honey, or other~~  
18 ~~substance obtained therefrom, or in respect to the sale of such~~  
19 ~~products)) farmer as defined in RCW 15.04.010 that sells any  
20 agricultural product as defined in RCW 15.04.010 at wholesale ((by such  
21 grower, producer, or raiser thereof)) or retail. This exemption shall  
22 not apply to any person selling such products exclusively at retail or  
23 using such products as ingredients in a manufacturing process; nor to  
24 the sale of any animal or substance obtained therefrom by a person in  
25 connection with the person's business of operating a stockyard or a  
26 slaughter or packing house; nor to any person in respect to the  
27 business of taking, cultivating, or raising timber; nor to any  
28 association of persons whatever, whether mutual, cooperative or  
29 otherwise, engaging in any business activity with respect to which tax  
30 liability is imposed under the provisions of this chapter. ~~((As used~~  
31 ~~in this section, "fish" means fish which are cultivated or raised~~  
32 ~~entirely within confined rearing areas on the person's own land or on~~  
33 ~~land in which the person has a present right of possession.))~~~~

34 This chapter shall also not apply to any persons who participate in  
35 the federal conservation reserve program or its successor administered

1 by the United States department of agriculture with respect to land  
2 enrolled in that program.

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