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SECOND ENGROSSED SENATE BILL 5983

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State of Washington

53rd Legislature

1993 Regular Session

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

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

1 AN ACT Relating to fees; and amending RCW 15.36.105, 15.53.9014,  
2 15.58.415, 17.21.070, 17.21.110, 17.21.122, 17.21.126, 17.21.129,  
3 17.21.220, 17.21.360, 69.07.040, and 69.25.250.

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

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

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

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

9 This section shall take effect July 1, 1992, and shall expire June  
10 30, 1994.

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

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

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

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

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

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

6 (4) The application shall include the information required by RCW  
7 15.53.9016(1)(b) through (1)(e).

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

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

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

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

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

32 Each registration and licensing fee under this chapter is increased  
33 by a surcharge of ((five)) six dollars to be deposited in the  
34 ((agriculture—)) agricultural local fund, provided that an additional  
35 one-time surcharge of five dollars shall be collected on January 1,  
36 1990. The revenue raised by the imposition of this surcharge shall be  
37 used to assist in funding the pesticide incident reporting and tracking  
38 review panel, department of social and health services' pesticide

1 investigations, and the department of agriculture's pesticide  
2 investigations.

3 **Sec. 4.** RCW 17.21.070 and 1991 c 109 s 30 are each amended to read  
4 as follows:

5 It shall be unlawful for any person to engage in the business of  
6 applying pesticides to the land of another without a commercial  
7 pesticide applicator license. Application for the license shall be  
8 accompanied by a fee of one hundred (~~(twenty-five)~~) thirty-six dollars  
9 and in addition a fee of (~~(ten)~~) eleven dollars for each apparatus,  
10 exclusive of one, used by the applicant in the application of  
11 pesticides: PROVIDED, That the provisions of this section shall not  
12 apply to any person employed only to operate any apparatus used for the  
13 application of any pesticide, and in which such person has no financial  
14 interest or other control over such apparatus other than its day to day  
15 mechanical operation for the purpose of applying any pesticide.  
16 Commercial pesticide applicator licenses shall expire annually on a  
17 date set by rule by the director. License fees shall be prorated where  
18 necessary to accommodate staggering of expiration dates of a license or  
19 licenses.

20 **Sec. 5.** RCW 17.21.110 and 1992 c 170 s 5 are each amended to read  
21 as follows:

22 It shall be unlawful for any person to act as an employee of a  
23 commercial pesticide applicator and apply pesticides manually or as the  
24 operator directly in charge of any apparatus which is licensed or  
25 should be licensed under the provisions of this chapter for the  
26 application of any pesticide, without having obtained a commercial  
27 pesticide operator license from the director. The commercial pesticide  
28 operator license shall be in addition to any other license or permit  
29 required by law for the operation or use of any such apparatus.  
30 Application for a commercial operator license shall be accompanied by  
31 a license fee of thirty-three dollars. The provisions of this section  
32 shall not apply to any individual who is a licensed commercial  
33 pesticide applicator. Commercial pesticide operator licenses shall  
34 expire annually on a date set by rule by the director. License fees  
35 shall be prorated where necessary to accommodate staggering of  
36 expiration dates of a license or licenses.

1       **Sec. 6.** RCW 17.21.122 and 1992 c 170 s 6 are each amended to read  
2 as follows:

3       It shall be unlawful for any person to act as a private-commercial  
4 applicator without having obtained a private-commercial applicator  
5 license from the director. Application for a private-commercial  
6 applicator license shall be accompanied by a license fee of (~~fifteen~~)  
7 seventeen dollars before a license may be issued. Private-commercial  
8 applicator licenses issued by the director shall be annual licenses  
9 expiring on a date set by rule by the director. License fees shall be  
10 prorated where necessary to accommodate staggering of expiration dates  
11 of a license or licenses.

12       **Sec. 7.** RCW 17.21.126 and 1992 c 170 s 7 are each amended to read  
13 as follows:

14       It shall be unlawful for any person to act as a private applicator  
15 without first complying with the certification requirements determined  
16 by the director as necessary to prevent unreasonable adverse effects on  
17 the environment, including injury to the applicator or other persons,  
18 for that specific pesticide use. Certification standards to determine  
19 the individual's competency with respect to the use and handling of the  
20 pesticide or class of pesticides the private applicator is to be  
21 certified to use shall be relative to hazards according to RCW  
22 17.21.030 as now or hereafter amended. In determining these standards  
23 the director shall take into consideration standards of the EPA and is  
24 authorized to adopt by rule these standards. Application for private  
25 applicator certification shall be accompanied by a license fee of  
26 (~~fifteen~~) seventeen dollars before a certification may be issued.  
27 Individuals with a valid certified applicator license, pest control  
28 consultant license, or dealer manager license who qualify in the  
29 appropriate license categories are exempt from this fee requirement  
30 provided that licensed public operators exempted from that license fee  
31 requirement are not exempted from the private applicator fee  
32 requirement. Private applicator certification issued by the director  
33 shall expire annually on a date set by rule by the director. License  
34 fees shall be prorated where necessary to accommodate staggering of  
35 expiration dates of a license or licenses.

36       **Sec. 8.** RCW 17.21.129 and 1992 c 170 s 8 are each amended to read  
37 as follows:

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

6 A license fee of (~~fifteen~~) seventeen dollars shall be paid before  
7 a demonstration and research license may be issued. The demonstration  
8 and research applicator license shall be an annual license expiring on  
9 a date set by rule by the director. License fees shall be prorated  
10 where necessary to accommodate staggering of expiration dates of a  
11 license or licenses.

12 **Sec. 9.** RCW 17.21.220 and 1991 c 109 s 37 are each amended to read  
13 as follows:

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

18 (2) It shall be unlawful for any employee of a state agency,  
19 municipal corporation, public utility, or any other government agency  
20 to use or to supervise the use of any pesticide restricted to use by  
21 certified applicators, or any pesticide by means of an apparatus,  
22 without having obtained a public operator license from the director.  
23 A license fee of (~~fifteen~~) seventeen dollars shall be paid before a  
24 public operator license may be issued. The license fee shall not apply  
25 to public operators licensed and working in the health vector field.  
26 Public operator licenses shall expire annually on a date set by rule by  
27 the director. License fees shall be prorated where necessary to  
28 accommodate staggering of expiration dates of a license or licenses.  
29 The public operator license shall be valid only when the operator is  
30 acting as an employee of a government agency.

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

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

1       **Sec. 10.** RCW 17.21.360 and 1989 c 380 s 66 are each amended to  
2 read as follows:

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

12       **Sec. 11.** RCW 69.07.040 and 1992 c 160 s 3 are each amended to read  
13 as follows:

14       It shall be unlawful for any person to operate a food processing  
15 plant or process foods in the state without first having obtained an  
16 annual license from the department, which shall expire on a date set by  
17 rule by the director. License fees shall be prorated where necessary  
18 to accommodate staggering of expiration dates. Application for a  
19 license shall be on a form prescribed by the director and accompanied  
20 by the license fee. The license fee is determined by computing the  
21 gross annual sales for the accounting year immediately preceding the  
22 license year. If the license is for a new operator, the license fee  
23 shall be based on an estimated gross annual sales for the initial  
24 license period.

25	If gross annual sales are:	The license fee is:
26	\$0 to \$50,000	\$( <del>50.00</del> ) <u>55.00</u>
27	\$50,001 to \$500,000	\$( <del>100.00</del> ) <u>110.00</u>
28	\$500,001 to \$1,000,000	\$( <del>200.00</del> ) <u>220.00</u>
29	\$1,000,001 to \$5,000,000	\$( <del>350.00</del> ) <u>385.00</u>
30	\$5,000,001 to \$10,000,000	\$( <del>500.00</del> ) <u>550.00</u>
31	Greater than \$10,000,000	\$( <del>750.00</del> ) <u>825.00</u>

32 Such application shall include the full name of the applicant for the  
33 license and the location of the food processing plant he or she intends  
34 to operate. If such applicant is an individual, receiver, trustee,  
35 firm, partnership, association or corporation, the full name of each  
36 member of the firm or partnership, or names of the officers of the  
37 association or corporation shall be given on the application. Such

1 application shall further state the principal business address of the  
2 applicant in the state and elsewhere and the name of a person domiciled  
3 in this state authorized to receive and accept service of summons of  
4 legal notices of all kinds for the applicant. The application shall  
5 also specify the type of food to be processed and the method or nature  
6 of processing operation or preservation of that food and any other  
7 necessary information. Upon the approval of the application by the  
8 director and compliance with the provisions of this chapter, including  
9 the applicable regulations adopted hereunder by the department, the  
10 applicant shall be issued a license or renewal thereof.

11 Licenses shall be issued to cover only those products, processes,  
12 and operations specified in the license application and approved for  
13 licensing. Wherever a license holder wishes to engage in processing a  
14 type of food product that is different than the type specified on the  
15 application supporting the licensee's existing license and processing  
16 that type of food product would require a major addition to or  
17 modification of the licensee's processing facilities or has a high  
18 potential for harm, the licensee shall submit an amendment to the  
19 current license application. In such a case, the licensee may engage  
20 in processing the new type of food product only after the amendment has  
21 been approved by the department.

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

27 **Sec. 12.** RCW 69.25.250 and 1975 1st ex.s. c 201 s 26 are each  
28 amended to read as follows:

29 There is hereby levied an assessment not to exceed (~~two and one-~~  
30 ~~half~~) three mills per dozen eggs entering intrastate commerce, as  
31 prescribed by rules and regulations issued by the director. Such  
32 assessment shall be applicable to all eggs entering intrastate commerce  
33 except as provided in RCW 69.25.170 and 69.25.290. Such assessment  
34 shall be paid to the director on a monthly basis on or before the tenth  
35 day following the month such eggs enter intrastate commerce. The  
36 director may require reports by egg handlers or dealers along with the  
37 payment of the assessment fee. Such reports may include any and all  
38 pertinent information necessary to carry out the purposes of this



1 chapter. The director may, by regulations, require egg container  
2 manufacturers to report on a monthly basis all egg containers sold to  
3 any egg handler or dealer and bearing such egg handler or dealer's  
4 license number.

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