

CERTIFICATION OF ENROLLMENT
SECOND ENGROSSED SENATE BILL 5983

Chapter 19, Laws of 1993

53rd Legislature
1993 First Special Session

AGRICULTURAL LICENSING AND REGISTRATION FEES INCREASED

EFFECTIVE DATE: 8/5/93

Passed by the Senate May 5, 1993
YEAS 27 NAYS 19

JOEL PRITCHARD

President of the Senate

Passed by the House May 5, 1993
YEAS 57 NAYS 40

BRIAN EBERSOLE

**Speaker of the
House of Representatives**

Approved May 28, 1993

MIKE LOWRY

Governor of the State of Washington

CERTIFICATE

I, Marty Brown, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SECOND ENGROSSED SENATE BILL 5983** as passed by the Senate and the House of Representatives on the dates hereon set forth.

MARTY BROWN

Secretary

FILED

May 28, 1993 - 2:07 p.m.

**Secretary of State
State of Washington**

SECOND ENGROSSED SENATE BILL 5983

Passed Legislature - 1993 First Special Session

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	\$(50.00) <u>55.00</u>
27	\$50,001 to \$500,000	\$(100.00) <u>110.00</u>
28	\$500,001 to \$1,000,000	\$(200.00) <u>220.00</u>
29	\$1,000,001 to \$5,000,000	\$(350.00) <u>385.00</u>
30	\$5,000,001 to \$10,000,000	\$(500.00) <u>550.00</u>
31	Greater than \$10,000,000	\$(750.00) <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.

Passed the Senate May 5, 1993.

Passed the House May 5, 1993.

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