

2 2SHB 1524 - S AMD - 391

3 By Senators Rasmussen and Morton

4 ADOPTED 4/14/95

5 Strike everything after the enacting clause and insert the
6 following:

7 "Sec. 1. RCW 19.94.010 and 1992 c 237 s 3 are each amended to read
8 as follows:

9 (1) Unless the context clearly requires otherwise, the definitions
10 in this section apply throughout this chapter and to any rules adopted
11 pursuant to this chapter.

12 (a) "City" means a first class city with a population of over fifty
13 thousand persons.

14 (b) "City sealer" means the person duly authorized by a city to
15 enforce and administer the weights and measures program within such
16 city and any duly appointed deputy sealer acting under the instructions
17 and at the direction of the city sealer.

18 (c) "Commodity in package form" means a commodity put up or
19 packaged in any manner in advance of sale in units suitable for either
20 wholesale or retail sale, exclusive, however, of an auxiliary shipping
21 container enclosing packages that individually conform to the
22 requirements of this chapter. An individual item or lot of any
23 commodity not in packaged form, but on which there is marked a selling
24 price based on established price per unit of weight or of measure,
25 shall be construed to be a commodity in package form.

26 (d) "Consumer package" or "package of consumer commodity" means a
27 commodity in package form that is customarily produced or distributed
28 for sale through retail sales agencies or instrumentalities for
29 consumption by persons, or used by persons for the purpose of personal
30 care or in the performance of services ordinarily rendered in or about
31 a household or in connection with personal possessions.

32 (e) "Cord" means the measurement of wood intended for fuel or pulp
33 purposes that is contained in a space of one hundred twenty-eight cubic
34 feet, when the wood is ranked and well stowed.

35 (f) "Department" means the department of agriculture of the state
36 of Washington.

1 (g) "Director" means the director of the department or duly
2 authorized representative acting under the instructions and at the
3 direction of the director.

4 (h) "Fish" means any waterbreathing animal, including shellfish,
5 such as, but not limited to, lobster, clam, crab, or other mollusca
6 that is prepared, processed, sold, or intended for sale.

7 (i) "Net weight" means the weight of a commodity excluding any
8 materials, substances, or items not considered to be part of such
9 commodity. Materials, substances, or items not considered to be part
10 of a commodity shall include, but are not limited to, containers,
11 conveyances, bags, wrappers, packaging materials, labels, individual
12 piece coverings, decorative accompaniments, and coupons.

13 (j) "Nonconsumer package" or "package of nonconsumer commodity"
14 means a commodity in package form other than a consumer package and
15 particularly a package designed solely for industrial or institutional
16 use or for wholesale distribution only.

17 (k) "Meat" means and shall include all animal flesh, carcasses, or
18 parts of animals, and shall also include fish, shellfish, game,
19 poultry, and meat food products of every kind and character, whether
20 fresh, frozen, cooked, cured, or processed.

21 (l) "Official seal of approval" means the uniform seal or
22 certificate issued by the director or city sealer which indicates that
23 a weights and measures standard or a weighing or measuring instrument
24 or device conforms with the specifications, tolerances, and other
25 technical requirements adopted in RCW 19.94.195.

26 (m) "Person" means any individual, receiver, administrator,
27 executor, assignee, trustee in bankruptcy, trust, estate, firm,
28 copartnership, joint venture, club, company, business trust,
29 corporation, association, society, or any group of individuals acting
30 as a unit, whether mutual, cooperative, fraternal, nonprofit, or
31 otherwise.

32 (n) "Poultry" means all fowl, domestic or wild, that is prepared,
33 processed, sold, or intended or offered for sale.

34 (o) "Service agent" means a person who for hire, award, commission,
35 or any other payment of any kind, installs, tests, inspects, checks,
36 adjusts, repairs, reconditions, or systematically standardizes the
37 graduations of a weighing or measuring instrument or device.

38 (p) "Ton" means a unit of two thousand pounds avoirdupois weight.

1 (q) "Weighing or measuring instrument or device" means any
2 equipment or apparatus used commercially to establish the size,
3 quantity, capacity, count, extent, area, heaviness, or measurement of
4 quantities, things, produce, or articles for distribution or
5 consumption, that are purchased, offered or submitted for sale, hire,
6 or award on the basis of weight, measure or count, including any
7 accessory attached to or used in connection with a weighing or
8 measuring instrument or device when such accessory is so designed or
9 installed that its operation affects, or may effect, the accuracy or
10 indication of the device. This definition shall be strictly limited to
11 those weighing or measuring instruments or devices governed by Handbook
12 44 as adopted under RCW 19.94.195.

13 (r) "Weight" means net weight as defined in this section.

14 (s) "Weights and measures" means the recognized standards or units
15 of measure used to indicate the size, quantity, capacity, count,
16 extent, area, heaviness, or measurement of any consumable commodity.

17 (t) "Secondary weights and measures standard" means ~~((any object))~~
18 the physical standards that are traceable to the primary standards
19 through comparisons, used by the director, a city sealer, or a service
20 agent that under specified conditions defines or represents a
21 recognized weight or measure during the inspection, adjustment,
22 testing, or systematic standardization of the graduations of any
23 weighing or measuring instrument or device.

24 (2) The director shall prescribe by rule other definitions as may
25 be necessary for the implementation of this chapter.

26 **Sec. 2.** RCW 19.94.160 and 1992 c 237 s 5 are each amended to read
27 as follows:

28 Weights and measures standards that are in conformity with the
29 standards of the United States as have been supplied to the state by
30 the federal government or otherwise obtained by the state for use as
31 state weights and measures standards, shall, when the same shall have
32 been certified as such by the national institute of standards and
33 technology or any successor organization, be the ~~((state))~~ primary
34 standards of weight and measure. The state weights and measures
35 standards shall be kept in a place designated by the director and shall
36 ~~((not be removed from such designated place except for repairs or for~~
37 ~~certification. These state weights and measures standards shall be~~
38 ~~submitted at least once every ten years to the national institute of~~

1 standards and technology or any successor organization for
2 certification)) be maintained in such calibration as prescribed by the
3 national institute of standards and technology or any successor
4 organization.

5 **Sec. 3.** RCW 19.94.165 and 1992 c 237 s 6 are each amended to read
6 as follows:

7 (1) ~~Unless otherwise provided by ((the department, all weighing or~~
8 ~~measuring instruments or devices used for commercial purposes within~~
9 ~~this state shall be inspected and tested for accuracy by the director~~
10 ~~or city sealer at least once every two years)) law, the director or~~
11 ~~city sealer, shall have the power to inspect and test all weighing or~~
12 ~~measuring instruments or devices to ascertain if they are correct. It~~
13 ~~shall be the duty of the director or city sealer, as often as they deem~~
14 ~~necessary, to inspect and test for accuracy all weighing or measuring~~
15 ~~instruments or devices used for commercial purposes within this state~~
16 ~~and, if found to be correct, the director or city sealer shall issue an~~
17 ~~official seal of approval for each such instrument or device.~~

18 (2) ~~((Beginning fiscal year 1993, the schedule of inspection and~~
19 ~~testing shall be staggered so as one half of the weighing or measuring~~
20 ~~instruments or devices under the jurisdiction of the inspecting and~~
21 ~~testing authority are approved in odd fiscal years and the remaining~~
22 ~~one half are inspected and tested in even fiscal years.~~

23 ~~(3))~~) The department may provide, as needed, uniform, official
24 seals of approval to city sealers for the purposes expressed in this
25 section.

26 NEW SECTION. **Sec. 4.** A new section is added to chapter 19.94 RCW
27 to read as follows:

28 (1) No person shall operate a weighing or measuring instrument or
29 device for commercial purposes within this state without annually
30 registering the instrument or device with the department unless the
31 instrument or device is within a city that has a city sealer and a
32 program for testing and inspecting weighing and measuring instruments
33 and devices. If the commercial use is within a city having a city
34 sealer and a program for testing and inspecting weighing or measuring
35 instruments and devices, the instrument or device may be registered
36 with the city.

1 (2) A city with such a sealer and program may establish an annual
2 fee for registering the commercial use of such an instrument or device
3 with the city. The annual fee shall not exceed the fee established in
4 RCW 19.94.175 for registering the use of a similar instrument or device
5 with the department.

6 (3) Any person applying with the department for registration of an
7 instrument or device used commercially shall make such application
8 through the master licensing system. The application shall be
9 accompanied by the fees established in RCW 19.94.175. A separate
10 application must be submitted for each business location. Application
11 for weighing or measuring device registration shall be made upon a form
12 prescribed by the department and shall contain such information as the
13 department may require. The fees required by RCW 19.94.175 are in
14 addition to any other fee or license required by law.

15 (4) The registration fee that must accompany an application for a
16 new license or annual renewal shall be based upon the number and type
17 of weighing or measuring devices at each business location.

18 (5) Device registrations shall expire on the master license
19 expiration date unless the registration is revoked or suspended prior
20 to that date. The master license shall be displayed in a conspicuous
21 place in the location for which it was issued.

22 (6) The department may, during normal business hours, compare the
23 number of devices listed on the master license with the number of
24 devices at the business location to determine that appropriate
25 registration fees have been paid.

26 **Sec. 5.** RCW 19.94.175 and 1992 c 237 s 7 are each amended to read
27 as follows:

28 ~~((1) The department shall establish reasonable, biennial~~
29 ~~inspection and testing fees for each type or class of weighing or~~
30 ~~measuring instrument or device required to be inspected and tested~~
31 ~~under this chapter. These inspection and testing fees shall be~~
32 ~~equitably prorated within each such type or class and shall be limited~~
33 ~~to those amounts necessary for the department to cover, to the extent~~
34 ~~possible, the direct costs associated with the inspection and testing~~
35 ~~of each type or class of weighing or measuring instrument or device.~~

36 ~~(2) Prior to the establishment and each amendment of the fees~~
37 ~~authorized under this chapter, a weights and measures fee task force~~
38 ~~shall be convened under the direction of the department. The task~~

1 force shall be composed of a representative from the department who
2 shall serve as chair and one representative from each of the following:
3 City sealers, service agents, service stations, grocery stores,
4 retailers, food processors/dealers, oil heat dealers, the agricultural
5 community, and liquid propane dealers. The task force shall recommend
6 the appropriate level of fees to be assessed by the department pursuant
7 to subsection (1) of this section, based upon the level necessary to
8 cover the direct costs of administering and enforcing the provisions of
9 this chapter and to the extent possible be consistent with fees
10 reasonably and customarily charged in the private sector for similar
11 services.

12 (3) The fees authorized under this chapter may be billed only after
13 the director or a city sealer has issued an official seal of approval
14 for a weighing or measuring instrument or device or a weight or measure
15 standard.

16 (4) All fees shall become due and payable thirty days after billing
17 by the department or a city sealer. A late penalty of one and one half
18 percent per month may be assessed on the unpaid balance more than
19 thirty days in arrears.)) (1) The following annual registration fees
20 shall be charged for weighing or measuring instruments or devices
21 required to be inspected and tested under this chapter:

- 22 (a) Weighing devices:
- 23 (i) Small scales "zero to four hundred pounds
24 capacity" \$ 5.00
- 25 (ii) Intermediate scales "four hundred one pounds to
26 five thousand pounds capacity" \$ 20.00
- 27 (iii) Large scales "over five thousand pounds
28 capacity" \$ 52.00
- 29 (iv) Large scales with supplemental devices \$ 52.00
- 30 (v) Railroad track scales \$800.00
- 31 (b) Liquid fuel metering devices:
- 32 (i) Motor fuel meters with flows of less than twenty
33 gallons per minute \$ 5.00
- 34 (ii) Motor fuel meters with flows of more than twenty
35 but not more than one hundred fifty gallons per
36 minute \$ 16.00
- 37 (iii) Motor fuel meters with flows over one hundred
38 fifty gallons per minute \$ 25.00
- 39 (c) Liquid petroleum gas meters:

- 1 (i) With one inch diameter or smaller dispensers . . . \$ 10.00
- 2 (ii) With greater than one inch diameter dispensers . . \$ 30.00
- 3 (d) Fabric meters \$ 5.00
- 4 (e) Cordage meters \$ 5.00
- 5 (f) Mass flow meters \$ 14.00
- 6 (g) Taxi meters \$ 5.00

7 ~~((5)) (2) Fees upon weighing or measuring instruments or devices~~
 8 ~~within the jurisdiction of the city that are collected under this~~
 9 ~~section by city sealers shall be deposited into the general fund, or~~
 10 ~~other account, of the city as directed by the governing body of the~~
 11 ~~city. ((On the thirtieth day of each month, city sealers shall,~~
 12 ~~pursuant to procedures established and upon forms provided by the~~
 13 ~~director, remit to the department for administrative costs ten percent~~
 14 ~~of the total fees collected.~~

15 ~~(6)) (3) With the exception of subsection ((7)) (4) of this~~
 16 ~~section, no person shall be required to pay more than the established~~
 17 ~~((inspection and testing)) annual registration fee adopted under this~~
 18 ~~section for any weighing or measuring instrument or device ((in any~~
 19 ~~two year period)) when the same has been found to be correct.~~

20 ~~((7) Whenever a special request is made by the owner for the~~
 21 ~~inspection and testing of a weighing or measuring instrument or device,~~
 22 ~~the fee prescribed by the director for such a weighing or measuring~~
 23 ~~instrument or device shall be paid by the owner.))~~

24 (4) The department or a city sealer may establish reasonable
 25 inspection and testing fees for each type or class of weighing or
 26 measuring instrument or device specially requested to be inspected or
 27 tested by the device owner. These inspection and testing fees shall be
 28 limited to those amounts necessary for the department or city sealer to
 29 cover the direct costs associated with such inspection and testing.
 30 The fees established under this subsection shall not be set so as to
 31 compete with service agents normally engaged in such services.

32 **Sec. 6.** RCW 19.94.185 and 1992 c 237 s 8 are each amended to read
 33 as follows:

34 (1) All moneys collected under this chapter shall be paid to the
 35 director and placed in the weights and measures account hereby
 36 established in the ((state treasury)) agricultural local fund. Moneys
 37 deposited in this account ((may be spent only following appropriation
 38 by law and)) shall be used solely for the purposes ((of weighing or

1 ~~measuring instrument or device inspection and testing)) relating to the~~
2 ~~enforcement or implementation of this chapter. No appropriation is~~
3 ~~required for the disbursement of moneys from the account by the~~
4 ~~director.~~

5 (2) By January 1st of each odd-numbered year, the department shall
6 provide a written report on the amount of revenues by major category
7 received under this chapter for the administration of the weights and
8 measures program by the department. The report shall include the
9 amount of revenue generated for the two previous biennium, an estimate
10 of the amount of funds to be received during the current biennium, and
11 an estimate of the amount of funds to be generated during the next
12 ensuing biennium. The report shall be submitted to the office of
13 financial management and to each committee in the legislature with
14 jurisdiction over programs administered by the department in the house
15 and the senate.

16 The report shall also provide a summary that shows how the
17 metrology laboratory is funded.

18 **Sec. 7.** RCW 19.94.190 and 1992 c 237 s 9 are each amended to read
19 as follows:

20 (1) The director and duly appointed city sealers shall enforce the
21 provisions of this chapter. The director shall adopt rules for
22 enforcing and carrying out the purposes of this chapter including but
23 not limited to the following:

24 (a) Establishing state standards of weight, measure, or count, and
25 reasonable standards of fill for any commodity in package form;

26 (b) The establishment of technical and reporting procedures to be
27 followed, any necessary report and record forms, and marks of rejection
28 to be used by the director and city sealers in the discharge of their
29 official duties as required by this chapter;

30 (c) The establishment of technical test procedures, reporting
31 procedures, and any necessary record and reporting forms to be used by
32 service agents when installing, repairing, inspecting, or standardizing
33 the graduations of any weighing or measuring instruments or devices;

34 ~~(d) ((The establishment of fee payment and reporting procedures and~~
35 ~~any necessary report and record forms to be used by city sealers when~~
36 ~~remitting the percentage of total fees collected as required under this~~
37 ~~chapter;~~

1 ~~(e))~~) The establishment of exemptions from the sealing or marking
2 inspection and testing requirements of RCW 19.94.250 with respect to
3 weighing or measuring instruments or devices of such character or size
4 that such sealing or marking would be inappropriate, impracticable, or
5 damaging to the apparatus in question;

6 ~~((f))~~) (e) The establishment of exemptions from the inspection and
7 testing requirements of RCW 19.94.165 with respect to classes of
8 weighing or measuring instruments or devices found to be of such
9 character that periodic inspection and testing is unnecessary to ensure
10 continued accuracy; and

11 ~~((g))~~) (f) The establishment of inspection and approval
12 techniques, if any, to be used with respect to classes of weighing or
13 measuring instruments or devices that are designed specifically to be
14 used commercially only once and then discarded, or are uniformly
15 mass-produced by means of a mold or die and are not individually
16 adjustable.

17 (2) These rules shall also include specifications and tolerances
18 for the acceptable range of accuracy required of weighing or measuring
19 instruments or devices and shall be designed to eliminate from use,
20 without prejudice to weighing or measuring instruments or devices that
21 conform as closely as practicable to official specifications and
22 tolerances, those (a) that are of such construction that they are
23 faulty, that is, that are not reasonably permanent in their adjustment
24 or will not repeat their indications correctly, or (b) that facilitate
25 the perpetration of fraud.

26 **Sec. 8.** RCW 19.94.216 and 1992 c 237 s 12 are each amended to read
27 as follows:

28 The department shall:

29 (1) Biennially inspect and test the secondary weights and measures
30 standards of any city for which the appointment of a city sealer is
31 provided by this chapter and shall issue an official seal of approval
32 for same when found to be correct. The department shall~~((, by rule,~~
33 ~~establish a reasonable fee))~~ charge an hourly fee of sixty dollars per
34 hour for ((such)) this and any other inspection and testing services
35 performed ((by)) at the department's metrology laboratory. Inspection
36 and testing services performed at other than the metrology laboratory
37 will be charged an hourly rate of sixty dollars per hour plus the

1 current mileage and per diem rates established by the office of
2 financial management.

3 (2) ((Biennially)) Inspect, test, and, if found to be correct,
4 issue an official seal of approval for any weighing or measuring
5 instrument or device used in an agency or institution to which moneys
6 are appropriated by the legislature or of the federal government and
7 shall report any findings in writing to the executive officer of the
8 agency or institution concerned. The department shall collect a
9 reasonable fee, to be set by rule, for testing any such weighing or
10 measuring instrument or device.

11 (3) Inspect, test, and, if found to be correct, issue a seal of
12 approval for classes of weighing or measuring instruments or devices
13 found to be few in number, highly complex, and of such character that
14 differential inspection and testing frequency is necessary including,
15 but not limited to, railroad track scales and grain elevator scales.
16 The department shall develop rules regarding the inspection and testing
17 procedures to be used for such weighing or measuring instruments or
18 devices which shall include requirements for the provision,
19 maintenance, and transport of any weight or measure standard necessary
20 for inspection and testing at no expense to the state. ((The
21 department may collect a reasonable fee, to be set by rule, for
22 inspecting and testing any such weighing and measuring instruments or
23 devices. This fee shall not be unduly burdensome and shall cover, to
24 the extent possible, the direct costs of performing such service.))

25 **Sec. 9.** RCW 19.94.255 and 1992 c 237 s 17 are each amended to read
26 as follows:

27 (1) Weighing or measuring instruments or devices that have been
28 rejected under the authority of the director or a city sealer shall
29 remain subject to the control of the rejecting authority until such
30 time as suitable repair or disposition thereof has been made as
31 required by this section.

32 (2) The owner of any weighing or measuring instrument or device
33 that has been marked or tagged as rejected by the director or a city
34 sealer shall cause the same to be made correct within thirty days or
35 such longer period as may be authorized by the rejecting authority. In
36 lieu of correction, the owner of such weighing and measuring instrument
37 or device may dispose of the same, but only in the manner specifically
38 authorized by the rejecting authority.

1 (3) Weighing and measuring instruments or devices that have been
2 rejected shall not again be used commercially until they have been
3 (~~officially~~) reexamined and(~~(,if)~~) found to be correct(~~(,had an~~
4 ~~official seal of approval placed upon or issued for such weighing or~~
5 ~~measuring instrument or device by the rejecting authority)~~) by the
6 department, city sealer, or a service agent registered with the
7 department.

8 (4) If a weighing or measuring instrument or device marked or
9 tagged as rejected is found to be correct by a service agent registered
10 with the department, the agent shall provide a signed certification to
11 the owner or operator of the instrument or device so indicating and
12 shall report to the rejecting authority as provided by rule under RCW
13 19.94.190(1)(c).

14 NEW SECTION. Sec. 10. A new section is added to chapter 19.94 RCW
15 to read as follows:

16 (1) Except as authorized by the department, a service agent who
17 intends to provide the examination that permits a weighing or measuring
18 instrument or device to be placed back into commercial service under
19 RCW 19.94.255(3) shall receive an official registration certificate
20 from the director prior to performing such a service. This
21 registration requirement does not apply to the department or a city
22 sealer.

23 (2) Except as provided in section 12 of this act, a registration
24 certificate is valid for one year. It may be renewed by submitting a
25 request for renewal to the department.

26 NEW SECTION. Sec. 11. A new section is added to chapter 19.94 RCW
27 to read as follows:

28 (1) Each request for an official registration certificate shall be
29 in writing, under oath, and on a form prescribed by the department and
30 shall contain any relevant information as the director may require,
31 including but not limited to the following:

32 (a) The name and address of the person, corporation, partnership,
33 or sole proprietorship requesting registration;

34 (b) The names and addresses of all individuals requesting an
35 official registration certificate from the department; and

1 (c) The tax registration number as required under RCW 82.32.030 or
2 uniform business identifier provided on a master license issued under
3 RCW 19.02.070.

4 (2) Each individual when submitting a request for an official
5 registration certificate or a renewal of such a certificate shall pay
6 a fee to the department in the amount of eighty dollars per individual.

7 (3) The department shall issue a decision on a request for an
8 official registration certificate within twenty days of receipt of the
9 request. If an individual is denied their request for an official
10 registration certificate, the department must notify that individual in
11 writing stating the reasons for the denial and shall refund any
12 payments made by that individual in connection with the request.

13 NEW SECTION. **Sec. 12.** A new section is added to chapter 19.94 RCW
14 to read as follows:

15 (1) The department shall have the power to revoke, suspend, or
16 refuse to renew the official registration certificate of any service
17 agent for any of the following reasons:

18 (a) Fraud or deceit in obtaining an official registration
19 certificate under this chapter;

20 (b) A finding by the department of a pattern of intentional
21 fraudulent or negligent activities in the installation, inspection,
22 testing, checking, adjusting, or systematically standardizing and
23 approving the graduations of any weighing or measuring instrument or
24 device;

25 (c) Knowingly placing back into commercial service any weighing or
26 measuring instrument or device that is incorrect;

27 (d) A violation of any provision of this chapter; or

28 (e) Conviction of a crime or an act constituting a crime under the
29 laws of this state, the laws of another state, or federal law.

30 (2) Upon the department's revocation of, suspension of, or refusal
31 to renew an official registration certificate, an individual shall
32 have the right to appeal this decision in accordance with the
33 administrative procedure act, chapter 34.05 RCW.

34 **Sec. 13.** RCW 19.94.280 and 1992 c 237 s 20 are each amended to
35 read as follows:

1 (1) There may be a city sealer in every city and such deputies as
2 may be required by ordinance of each such city to administer and
3 enforce the provisions of this chapter.

4 (2) Each city electing to have a city sealer shall adopt rules for
5 the appointment and removal of the city sealer and any deputies
6 required by local ordinance. The rules for appointment of a city
7 sealer and any deputies must include provisions for the advice and
8 consent of the local governing body of such city and, as necessary, any
9 provisions for local civil service laws and regulations.

10 (3) A city sealer (~~((shall))~~) may adopt the fee amounts established
11 (~~((by the director pursuant to RCW 19.94.165))~~) under RCW 19.94.175.
12 However, no city shall adopt or charge an inspection, testing, or
13 licensing fee or any other fee upon a weighing or measuring instrument
14 or device that is in excess of the fee amounts (~~((adopted under RCW~~
15 ~~19.94.165))~~) established by the department under the provisions of this
16 chapter for substantially similar services.

17 (4) A city sealer shall keep a complete and accurate record of all
18 official acts performed under the authority of this chapter and shall
19 submit an annual report to the governing body of his or her city and
20 shall make any reports as may be required by the director.

21 **Sec. 14.** RCW 19.94.320 and 1992 c 237 s 22 are each amended to
22 read as follows:

23 (1) In cities for which city sealers have been appointed as
24 provided for in this chapter, the director shall have general
25 (~~((supervisory powers over such))~~) oversight of city ((sealers)) weights
26 and measures programs and may, when he or she deems it reasonably
27 necessary, exercise concurrent authority to carry out the provisions of
28 this chapter.

29 (2) When the director elects to exercise concurrent authority
30 within a city with a duly appointed city sealer, the director's powers
31 and duties relative to this chapter shall be in addition to the powers
32 granted in any such city by law or charter.

33 **Sec. 15.** RCW 19.94.360 and 1969 c 67 s 36 are each amended to read
34 as follows:

35 In addition to the declarations required by RCW 19.94.350, any
36 commodity in package form, the package being one of a lot containing
37 random weights, measures or counts of the same commodity (~~((and bearing~~

1 ~~the total selling price of the package)) at the time it is exposed for~~
2 sale at retail, shall bear on the outside of the package a plain and
3 conspicuous declaration of the price per single unit of weight,
4 measure, or count and the total selling price of the package.

5 **Sec. 16.** RCW 19.94.390 and 1969 c 67 s 39 are each amended to read
6 as follows:

7 (1) Whenever any commodity or service is sold, or is offered,
8 exposed, or advertised for sale, by weight, measure, or count, the
9 price shall not be misrepresented, nor shall the price be represented
10 in any manner calculated or tending to mislead or deceive an actual or
11 prospective purchaser. Whenever an advertised, poster or labeled price
12 per unit of weight, measure, or count includes a fraction of a cent,
13 all elements of the fraction shall be prominently displayed and the
14 numeral or numerals expressing the fraction shall be immediately
15 adjacent to, of the same general design and style as, and at least one-
16 half the height and one-half the width of the numerals representing the
17 whole cents.

18 (2) The examination procedure recommended for price verification by
19 the price verification working group of the laws and regulations
20 committee of the national conference on weights and measures (as
21 reflected in the fourth draft, dated November 1, 1994) for devices such
22 as electronic scanners shall govern such examinations conducted under
23 this chapter. The procedure shall be deemed to be adopted under this
24 chapter. However, the department may revise the procedure as follows:
25 The department shall provide notice of and conduct a public hearing
26 pursuant to chapter 34.05 RCW to determine whether any revisions to
27 this procedure made by the national institute of standards and
28 technology or its successor organization for incorporating the
29 examination procedure into an official handbook of the institute or its
30 successor, or any subsequent revisions of the handbook regarding such
31 procedures shall also be adopted under this chapter. If the department
32 determines that the procedure should be so revised, it may adopt the
33 revisions. Violations of this section regarding the use of devices
34 such as electronic scanners may be found only as provided by the
35 examination procedures adopted by or under this subsection.

36 (3) Electronic scanner screens installed after January 1, 1996, and
37 used in retail establishments must be visible to the consumer at the
38 checkout line.

1 **Sec. 17.** RCW 19.94.410 and 1988 c 63 s 1 are each amended to read
2 as follows:

3 ~~((1) Except as provided in subsection (2) of this section,))
4 Butter, oleomargarine and margarine shall be offered and exposed for
5 sale and sold by weight ((and only in units of one quarter pound, one
6 half pound, one pound or multiples of one pound, avoirdupois weight.~~

7 ~~(2) The director of agriculture may allow the sale of butter
8 specialty products in nonstandard units of weight if the purpose
9 achieved by using such nonstandard units is decorative in nature and
10 the products are clearly labeled as to weight and price per pound)).~~

11 NEW SECTION. **Sec. 18.** A new section is added to chapter 15.80 RCW
12 to read as follows:

13 All moneys collected under this chapter shall be placed in the
14 weights and measures account in the agricultural local fund created in
15 RCW 19.94.185.

16 **Sec. 19.** RCW 43.84.092 and 1994 c 2 s 6 (Initiative Measure No.
17 601), 1993 sp.s. c 25 s 511, 1993 sp.s. c 8 s 1, 1993 c 500 s 6, 1993
18 c 492 s 473, 1993 c 445 s 4, 1993 c 329 s 2, and 1993 c 4 s 9 are each
19 reenacted and amended to read as follows:

20 (1) All earnings of investments of surplus balances in the state
21 treasury shall be deposited to the treasury income account, which
22 account is hereby established in the state treasury.

23 (2) The treasury income account shall be utilized to pay or receive
24 funds associated with federal programs as required by the federal cash
25 management improvement act of 1990. The treasury income account is
26 subject in all respects to chapter 43.88 RCW, but no appropriation is
27 required for refunds or allocations of interest earnings required by
28 the cash management improvement act. Refunds of interest to the
29 federal treasury required under the cash management improvement act
30 fall under RCW 43.88.180 and shall not require appropriation. The
31 office of financial management shall determine the amounts due to or
32 from the federal government pursuant to the cash management improvement
33 act. The office of financial management may direct transfers of funds
34 between accounts as deemed necessary to implement the provisions of the
35 cash management improvement act, and this subsection. Refunds or
36 allocations shall occur prior to the distributions of earnings set
37 forth in subsection (4) of this section.

1 (3) Except for the provisions of RCW 43.84.160, the treasury income
2 account may be utilized for the payment of purchased banking services
3 on behalf of treasury funds including, but not limited to, depository,
4 safekeeping, and disbursement functions for the state treasury and
5 affected state agencies. The treasury income account is subject in all
6 respects to chapter 43.88 RCW, but no appropriation is required for
7 payments to financial institutions. Payments shall occur prior to
8 distribution of earnings set forth in subsection (4) of this section.

9 (4) Monthly, the state treasurer shall distribute the earnings
10 credited to the treasury income account. The state treasurer shall
11 credit the general fund with all the earnings credited to the treasury
12 income account except:

13 (a) The following accounts and funds shall receive their
14 proportionate share of earnings based upon each account's and fund's
15 average daily balance for the period: The capitol building
16 construction account, the Cedar River channel construction and
17 operation account, the Central Washington University capital projects
18 account, the charitable, educational, penal and reformatory
19 institutions account, the common school construction fund, the county
20 criminal justice assistance account, the county sales and use tax
21 equalization account, the data processing building construction
22 account, the deferred compensation administrative account, the deferred
23 compensation principal account, the department of retirement systems
24 expense account, the Eastern Washington University capital projects
25 account, the education construction fund, the emergency reserve fund,
26 the federal forest revolving account, the health services account, the
27 public health services account, the health system capacity account, the
28 personal health services account, the industrial insurance premium
29 refund account, the judges' retirement account, the judicial retirement
30 administrative account, the judicial retirement principal account, the
31 local leasehold excise tax account, the local real estate excise tax
32 account, the local sales and use tax account, the medical aid account,
33 the municipal criminal justice assistance account, the municipal sales
34 and use tax equalization account, the natural resources deposit
35 account, the perpetual surveillance and maintenance account, the public
36 employees' retirement system plan I account, the public employees'
37 retirement system plan II account, the Puyallup tribal settlement
38 account, the resource management cost account, the site closure
39 account, the special wildlife account, the state employees' insurance

1 account, the state employees' insurance reserve account, the state
2 investment board expense account, the state investment board commingled
3 trust fund accounts, the supplemental pension account, the teachers'
4 retirement system plan I account, the teachers' retirement system plan
5 II account, the tuition recovery trust fund, the University of
6 Washington bond retirement fund, the University of Washington building
7 account, the volunteer fire fighters' relief and pension principal
8 account, the volunteer fire fighters' relief and pension administrative
9 account, the Washington judicial retirement system account, the
10 Washington law enforcement officers' and fire fighters' system plan I
11 retirement account, the Washington law enforcement officers' and fire
12 fighters' system plan II retirement account, the Washington state
13 patrol retirement account, the Washington State University building
14 account, the Washington State University bond retirement fund, the
15 water pollution control revolving fund, the weights and measures
16 account, and the Western Washington University capital projects
17 account. Earnings derived from investing balances of the agricultural
18 permanent fund, the normal school permanent fund, the permanent common
19 school fund, the scientific permanent fund, and the state university
20 permanent fund shall be allocated to their respective beneficiary
21 accounts. All earnings to be distributed under this subsection (4)(a)
22 shall first be reduced by the allocation to the state treasurer's
23 service fund pursuant to RCW 43.08.190.

24 (b) The following accounts and funds shall receive eighty percent
25 of their proportionate share of earnings based upon each account's or
26 fund's average daily balance for the period: The marine operating
27 fund, the motor vehicle fund, and the transportation fund.

28 (5) In conformance with Article II, section 37 of the state
29 Constitution, no treasury accounts or funds shall be allocated earnings
30 without the specific affirmative directive of this section.

31 NEW SECTION. Sec. 20. A new section is added to chapter 19.94 RCW
32 to read as follows:

33 The department shall develop a written report on the implementation
34 of chapter . . . , Laws of 1995 (this act) that provides information
35 including but not limited to the number of inspections conducted, the
36 results of the inspections, the number of warnings issued, and the
37 number of enforcement actions taken. The report shall be submitted to
38 the secretary of the senate and chief clerk of the house of

1 representatives, on December 15th of each even-numbered year. This
2 section shall expire January 1, 2000.

3 NEW SECTION. **Sec. 21.** A new section is added to chapter 19.94 RCW
4 to read as follows:

5 No state general fund moneys may be utilized by the department to
6 fund the operation of the metrology laboratory. Funding of the
7 laboratory shall be based on the prorated usage by two major
8 components: (1) Services performed for other persons or governmental
9 agencies; and (2) services performed for the department that are
10 connected with the administration of the program under this chapter.

11 NEW SECTION. **Sec. 22.** (1) Sections 1 through 3, 6 through 15, and
12 19 of this act are necessary for the immediate preservation of the
13 public peace, health, or safety, or support of the state government and
14 its existing public institutions, and shall take effect June 1, 1995.

15 (2) Sections 4 and 5 of this act shall take effect January 1,
16 1996."

17 **2SHB 1524** - S AMD - 391

18 By Senators Rasmussen and Morton

19 ADOPTED 4/14/95

20 On page 1, line 1 of the title, after "measures;" strike the
21 remainder of the title and insert "amending RCW 19.94.010, 19.94.160,
22 19.94.165, 19.94.175, 19.94.185, 19.94.190, 19.94.216, 19.94.255,
23 19.94.280, 19.94.320, 19.94.360, 19.94.390, and 19.94.410; reenacting
24 and amending RCW 43.84.092; adding new sections to chapter 19.94 RCW;
25 adding a new section to chapter 15.80 RCW; providing effective dates;
26 and declaring an emergency."

--- END ---