
HOUSE BILL 2128 (Corrected Copy)

State of Washington 64th Legislature 2015 Regular Session

By Representative Hudgins; by request of Department of Agriculture

Read first time 02/16/15. Referred to Committee on General
Government & Information Technology.

1 AN ACT Relating to fees assessed by the department of
2 agriculture; amending RCW 15.36.051, 15.36.081, 15.36.491, 15.36.525,
3 69.07.040, 69.07.085, and 69.10.015; adding a new section to chapter
4 15.36 RCW; and creating a new section.

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

6 NEW SECTION. **Sec. 1.** (1) The legislature finds that section
7 309(4), chapter 4, Laws of 2013 2nd sp. sess. directed the department
8 of agriculture to convene and facilitate a work group with
9 appropriate stakeholders to review fees supporting programs within
10 the department that are also supported with the state general fund.

11 (2) The legislature further finds that with the help of a
12 consulting firm, the department of agriculture identified fees in the
13 food safety and animal health programs that met the budget proviso
14 criteria. The department then formed a work group with
15 representatives from dairy, food processing, and other relevant
16 professional associations.

17 (3) The legislature further finds that the work group's final
18 report recommends fee increases for fees that do not completely cover
19 the costs of services provided and that will make programs within the
20 department of agriculture less reliant on the state general fund.

1 Therefore, the legislature intends to implement the recommendations
2 of the work group's report.

3 **Sec. 2.** RCW RCW 15.36.051 and 2005 c 414 s 1 are each amended to
4 read as follows:

5 (1) A milk processing plant must obtain an annual milk processing
6 plant license from the department, which shall expire on June 30th of
7 each year. A milk processing plant may choose to process ~~((+1))~~: (a)
8 Grade A milk and milk products~~((+))~~; or ~~((+2))~~ (b) other milk
9 products that are not classified grade A.

10 (2) Only one license may be required to process milk; however,
11 milk processing plants must obtain the necessary endorsements from
12 the department in order to process products as defined for each type
13 of milk or milk product processing. Application for a license shall
14 be on a form prescribed by the director and accompanied by a ~~((fifty-~~
15 ~~five))~~ two hundred fifty dollar annual license fee beginning July 1,
16 2015. The applicant shall include on the application the full name of
17 the applicant for the license and the location of the milk processing
18 plant he or she intends to operate and any other necessary
19 information. Upon the approval of the application by the director and
20 compliance with the provisions of this chapter, including the
21 applicable rules adopted under this chapter by the department, the
22 applicant shall be issued a license or a renewal of a license.

23 (3) Licenses shall be issued to cover only those products,
24 processes, and operations specified in the license application and
25 approved for licensing. If a license holder wishes to engage in
26 processing a type of milk product that is different than the type
27 specified on the application supporting the licensee's existing
28 license and processing that type of food product would require a
29 major addition to or modification of the licensee's processing
30 facilities, the licensee shall submit an amendment to the current
31 license application. In such a case, the licensee may engage in
32 processing the new type of milk product only after the amendment has
33 been approved by the department.

34 (4) A licensee under this section shall not be required to obtain
35 a food processing plant license under chapter 69.07 RCW to process
36 milk or milk products.

37 (5) The director shall waive the fee for a food processing
38 license under chapter 69.07 RCW for persons who are also licensed as
39 a milk processing plant.

1 **Sec. 3.** RCW 15.36.081 and 1999 c 291 s 5 are each amended to
2 read as follows:

3 (1) A dairy technician must obtain a dairy technician's license
4 to conduct operations under this chapter. Such license shall be
5 limited to those functions which the licensee has been found
6 qualified to perform. Before issuing the license the director shall
7 assess the applicant's qualifications and may test the applicant for
8 the functions for which application has been made.

9 (2) Application for a license as a dairy technician shall be made
10 upon forms provided by the director, and shall be filed with the
11 department. The director may issue a temporary license to the
12 applicant for such period as may be prescribed and stated in the
13 license, not to exceed sixty days, but the license may not be renewed
14 to extend the period beyond sixty days.

15 (3) The initial application and renewal for a dairy technician's
16 license must be accompanied by a license fee of (~~ten dollars. The~~
17 ~~fee for renewal of the license is five~~) twenty-five dollars
18 beginning July 1, 2015. All dairy technicians' licenses shall expire
19 on December 31st of odd-numbered years.

20 (4) The initial application for any endorsement beyond a dairy
21 technician's license must be accompanied by an endorsement fee of
22 twenty-five dollars beginning July 1, 2015.

23 **Sec. 4.** RCW 15.36.491 and 2005 c 414 s 4 are each amended to
24 read as follows:

25 All moneys received for licenses under this chapter shall be
26 deposited (~~in the general fund, except that all moneys received for~~
27 ~~annual milk processing plant licenses under RCW 15.36.051 shall be~~
28 ~~deposited~~) in the agricultural local fund established under RCW
29 43.23.230.

30 **Sec. 5.** RCW 15.36.525 and 1999 c 291 s 25 are each amended to
31 read as follows:

32 The department may issue sanitary certificates to milk processing
33 plants under this chapter subject to such requirements as it may
34 establish by rule. The fee for issuance is (~~fifty~~) seventy-five
35 dollars per certificate beginning July 1, 2015. Fees collected under
36 this section shall be deposited in the agricultural local fund.

1 **(b)** The principal business address of the applicant in the state
2 and elsewhere and the name of a person domiciled in this state
3 authorized to receive and accept service of summons of legal notices
4 of all kinds for the applicant(~~(. The application shall also~~
5 ~~specify)); and~~

6 **(c)** The type of food to be processed and the method or nature of
7 processing operation or preservation of that food and any other
8 necessary information.

9 **(3)** Upon the approval of the application by the director and
10 compliance with the provisions of this chapter, including the
11 applicable regulations adopted (~~hereunder~~) by the department, the
12 applicant shall be issued a license or renewal (~~thereof~~).

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

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

29 **(6)** The director may waive the licensure requirements of this
30 chapter for a person's operations at a facility if the person has
31 obtained a milk processing plant license under chapter 15.36 RCW to
32 conduct the same or a similar operation at the facility.

33 **Sec. 8.** RCW 69.07.085 and 1995 c 374 s 23 are each amended to
34 read as follows:

35 The department may issue sanitary certificates to food processors
36 under this chapter subject to such requirements as it may establish
37 by rule. The fee for issuance shall be (~~fifty~~) seventy-five dollars
38 per certificate. Fees collected under this section shall be deposited
39 in the agricultural local fund.

1 **Sec. 9.** RCW 69.10.015 and 1995 c 374 s 10 are each amended to
2 read as follows:

3 Except as provided in this section and RCW 69.10.020, it shall be
4 unlawful for any person to operate a food storage warehouse in the
5 state without first having obtained an annual license from the
6 department, which shall expire on a date set by rule by the director.
7 Application for a license or license renewal shall be on a form
8 prescribed by the director and accompanied by the license fee. The
9 license fee is (~~fifty~~) two hundred dollars.

10 For a food storage warehouse that has been inspected on at least
11 an annual basis for compliance with the provisions of the current
12 good manufacturing practices (Title 21 C.F.R. part 110) by a federal
13 agency or by a state agency acting on behalf of and under contract
14 with a federal agency and that is not exempted from licensure by RCW
15 69.10.020, the annual license fee for the warehouse is twenty-five
16 dollars.

17 The application shall include the full name of the applicant for
18 the license and the location of the food storage warehouse he or she
19 intends to operate. If such applicant is an individual, receiver,
20 trustee, firm, partnership, association, or corporation, the full
21 name of each member of the firm or partnership, or names of the
22 officers of the association or corporation must be given on the
23 application. The application shall further state the principal
24 business address of the applicant in the state and elsewhere and the
25 name of a person domiciled in this state authorized to receive and
26 accept service of summons of legal notices of all kinds for the
27 applicant. Upon the approval of the application by the director and
28 compliance with the provisions of this chapter, including the
29 applicable regulations adopted under this chapter by the department,
30 the applicant shall be issued a license or renewal thereof. The
31 director shall waive licensure under this chapter for firms that are
32 licensed under the provisions of chapter 69.07 or 15.36 RCW.

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