

2 SSB 6393 - H COMM AMD

3 By Committee on Agriculture & Rural Development

4

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

7 "NEW SECTION. **Sec. 1.** A new section is added to chapter 15.36 RCW  
8 to read as follows:

9 There is levied on all milk processed in this state an assessment  
10 not to exceed one-half of one cent per hundredweight. The director  
11 shall determine, by rule, an assessment, that with contribution from  
12 the general fund, will support an inspection program to maintain  
13 compliance with the provisions of the pasteurized milk ordinance of the  
14 national conference on interstate milk shipment. All assessments shall  
15 be levied on the operator of the first milk plant receiving the milk  
16 for processing. This shall include milk plants that produce their own  
17 milk for processing and milk plants that receive milk from other  
18 sources. All moneys collected under this section shall be paid to the  
19 director by the twentieth day of the succeeding month for the previous  
20 month's assessments. The director shall deposit the funds into the  
21 dairy inspection account hereby created within the agricultural local  
22 fund established in RCW 43.23.230. The funds shall be used only to  
23 provide inspection services to the dairy industry. All interest  
24 accrued on the account shall be credited to the dairy inspection  
25 program. If the operator of a milk plant fails to remit any  
26 assessments, that sum shall be a lien on any property owned by him or  
27 her, and shall be reported by the director and collected in the manner

1 and with the same priority over other creditors as prescribed for the  
2 collection of delinquent taxes under chapters 84.60 and 84.64 RCW.

3 This section shall take effect July 1, 1992, and shall expire June  
4 30, 1994."

5 "NEW SECTION. **Sec. 2.** A new section is added to chapter 15.36 RCW  
6 to read as follows:

7 (1) There is created a dairy inspection program advisory committee.  
8 The committee shall consist of nine members. The committee shall be  
9 appointed by the director from names submitted by dairy producer  
10 organizations or from handlers of milk products. The committee shall  
11 consist of four members who are producers of milk or their  
12 representatives, and four members who are handlers or their  
13 representatives, and one member who must be a producer-handler.

14 (2) The purpose of this advisory committee is to assist the  
15 director by providing recommendations regarding the dairy inspection  
16 program, that are consistent with the pasteurized milk ordinance. The  
17 advisory committee shall (a) review and evaluate the program including  
18 the efficiency of the administration of the program, the adequacy of  
19 the level of inspection staff, the ratio of inspectors to number of  
20 dairy farm inspections per year, and the ratio of inspectors to  
21 management employees; and (b) consider alternatives to the state  
22 program, which may include privatization of various elements of the  
23 inspection program.

24 (3) The committee shall meet as necessary to complete its work.  
25 Meetings of the committee are subject to the open public meetings act.

26 (4) Not later than October 15, 1992, the advisory committee shall  
27 issue a preliminary report of its findings to the dairy industry. The  
28 committee shall solicit comments from the dairy industry which shall be  
29 reflected in the committee's final report.

1 (5) Not later than December 1, 1992, the advisory committee shall  
2 report to the agricultural committees of the house of representatives  
3 and senate its recommendations for long-term structure and funding of  
4 the dairy inspection program."

5 "Sec. 3. RCW 69.07.040 and 1991 c 137 s 3 are each amended to read  
6 as follows:

7 It shall be unlawful for any person to operate a food processing  
8 plant or process foods in the state without first having obtained an  
9 annual license from the department, which shall expire on a date set by  
10 rule by the director. License fees shall be prorated where necessary  
11 to accommodate staggering of expiration dates. Application for a  
12 license shall be on a form prescribed by the director and accompanied  
13 by ~~((a twenty-five dollar annual))~~ the license fee. The license fee is  
14 determined by computing the gross annual sales for the accounting year  
15 immediately preceding the license year. If the license is for a new  
16 operator, the license fee shall be based on an estimated gross annual  
17 sales for the initial license period.

18	<u>If gross annual sales are:</u>	<u>The license fee is:</u>
19	<u>\$0 to \$50,000</u>	<u>\$50.00</u>
20	<u>\$50,001 to \$500,000</u>	<u>\$100.00</u>
21	<u>\$500,001 to \$1,000,000</u>	<u>\$200.00</u>
22	<u>\$1,000,001 to \$5,000,000</u>	<u>\$350.00</u>
23	<u>\$5,000,001 to \$10,000,000</u>	<u>\$500.00</u>
24	<u>Greater than \$10,000,000</u>	<u>\$750.00</u>

25 Such application shall include the full name of the applicant for the  
26 license and the location of the food processing plant he or she intends  
27 to operate. If such applicant is an individual, receiver, trustee,

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

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

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

1       **"Sec. 4.** RCW 69.07.050 and 1991 c 137 s 4 are each amended to read  
2 as follows:

3       If the application for renewal of any license provided for under  
4 this chapter is not filed prior to the expiration date as established  
5 by rule by the director, an additional fee of (~~fifteen dollars~~) ten  
6 percent of the cost of the license shall be assessed and added to the  
7 original fee and shall be paid by the applicant before the renewal  
8 license shall be issued: PROVIDED, That such additional fee shall not  
9 be charged if the applicant furnishes an affidavit certifying that he  
10 or she has not operated a food processing plant or processed foods  
11 subsequent to the expiration of his or her license."

12       **"Sec. 5.** RCW 69.07.120 and 1967 ex.s. c 121 s 12 are each amended  
13 to read as follows:

14       All moneys received by the department under the provisions of this  
15 chapter shall be paid into the (~~state treasury~~) food processing  
16 inspection account hereby created within the agricultural local fund  
17 established in RCW 43.23.230 and shall be used solely to carry out the  
18 provisions of this chapter and chapter 69.04 RCW."