

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 6393

52nd Legislature
1992 Regular Session

Passed by the Senate March 9, 1992
Yeas 44 Nays 1

President of the Senate

Passed by the House March 5, 1992
Yeas 60 Nays 38

**Speaker of the
House of Representatives**

Approved

Governor of the State of Washington

CERTIFICATE

I, Gordon Golob, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 6393** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 6393

AS AMENDED BY THE HOUSE

Passed Legislature - 1992 Regular Session

State of Washington 52nd Legislature 1992 Regular Session

By Senate Committee on Agriculture & Water Resources (originally sponsored by Senator Bailey; by request of Department of Agriculture)

Read first time 02/06/92.

1 AN ACT Relating to milk producers and distributors and food
2 processors; amending RCW 69.07.040, 69.07.050, and 69.07.120; and
3 adding new sections to chapter 15.36 RCW.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 15.36 RCW
6 to read as follows:

7 There is levied on all milk processed in this state an assessment
8 not to exceed one-half of one cent per hundredweight. The director
9 shall determine, by rule, an assessment, that with contribution from
10 the general fund, will support an inspection program to maintain
11 compliance with the provisions of the pasteurized milk ordinance of the
12 national conference on interstate milk shipment. All assessments shall
13 be levied on the operator of the first milk plant receiving the milk
14 for processing. This shall include milk plants that produce their own

1 milk for processing and milk plants that receive milk from other
2 sources. All moneys collected under this section shall be paid to the
3 director by the twentieth day of the succeeding month for the previous
4 month's assessments. The director shall deposit the funds into the
5 dairy inspection account hereby created within the agricultural local
6 fund established in RCW 43.23.230. The funds shall be used only to
7 provide inspection services to the dairy industry. If the operator of
8 a milk plant fails to remit any assessments, that sum shall be a lien
9 on any property owned by him or her, and shall be reported by the
10 director and collected in the manner and with the same priority over
11 other creditors as prescribed for the collection of delinquent taxes
12 under chapters 84.60 and 84.64 RCW.

13 This section shall take effect July 1, 1992, and shall expire June
14 30, 1994.

15 NEW SECTION. **Sec. 2.** A new section is added to chapter 15.36 RCW
16 to read as follows:

17 (1) There is created a dairy inspection program advisory committee.
18 The committee shall consist of nine members. The committee shall be
19 appointed by the director from names submitted by dairy producer
20 organizations or from handlers of milk products. The committee shall
21 consist of four members who are producers of milk or their
22 representatives, and four members who are handlers or their
23 representatives, and one member who must be a producer-handler.

24 (2) The purpose of this advisory committee is to assist the
25 director by providing recommendations regarding the dairy inspection
26 program, that are consistent with the pasteurized milk ordinance. The
27 advisory committee shall (a) review and evaluate the program including
28 the efficiency of the administration of the program, the adequacy of
29 the level of inspection staff, the ratio of inspectors to number of

1 dairy farm inspections per year, and the ratio of inspectors to
2 management employees; and (b) consider alternatives to the state
3 program, which may include privatization of various elements of the
4 inspection program.

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

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

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

15 **Sec. 3.** RCW 69.07.040 and 1991 c 137 s 3 are each amended to read
16 as follows:

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

28 If gross annual sales are:

The license fee is:

1	<u>\$0 to \$50,000</u>	<u>\$50.00</u>
2	<u>\$50,001 to \$500,000</u>	<u>\$100.00</u>
3	<u>\$500,001 to \$1,000,000</u>	<u>\$200.00</u>
4	<u>\$1,000,001 to \$5,000,000</u>	<u>\$350.00</u>
5	<u>\$5,000,001 to \$10,000,000</u>	<u>\$500.00</u>
6	<u>Greater than \$10,000,000</u>	<u>\$750.00</u>

7 Such application shall include the full name of the applicant for the
8 license and the location of the food processing plant he or she intends
9 to operate. If such applicant is an individual, receiver, trustee,
10 firm, partnership, association or corporation, the full name of each
11 member of the firm or partnership, or names of the officers of the
12 association or corporation shall be given on the application. Such
13 application shall further state the principal business address of the
14 applicant in the state and elsewhere and the name of a person domiciled
15 in this state authorized to receive and accept service of summons of
16 legal notices of all kinds for the applicant. The application shall
17 also specify the type of food to be processed and the method or nature
18 of processing operation or preservation of that food and any other
19 necessary information. Upon the approval of the application by the
20 director and compliance with the provisions of this chapter, including
21 the applicable regulations adopted hereunder by the department, the
22 applicant shall be issued a license or renewal thereof.

23 Licenses shall be issued to cover only those products, processes,
24 and operations specified in the license application and approved for
25 licensing. Wherever a license holder wishes to engage in processing a
26 type of food product that is different than the type specified on the
27 application supporting the licensee's existing license and processing
28 that type of food product would require a major addition to or
29 modification of the licensee's processing facilities or has a high

1 potential for harm, the licensee shall submit an amendment to the
2 current license application. In such a case, the licensee may engage
3 in processing the new type of food product only after the amendment has
4 been approved by the department.

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

10 **Sec. 4.** RCW 69.07.050 and 1991 c 137 s 4 are each amended to read
11 as follows:

12 If the application for renewal of any license provided for under
13 this chapter is not filed prior to the expiration date as established
14 by rule by the director, an additional fee of (~~fifteen dollars~~) ten
15 percent of the cost of the license shall be assessed and added to the
16 original fee and shall be paid by the applicant before the renewal
17 license shall be issued: PROVIDED, That such additional fee shall not
18 be charged if the applicant furnishes an affidavit certifying that he
19 or she has not operated a food processing plant or processed foods
20 subsequent to the expiration of his or her license.

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

23 All moneys received by the department under the provisions of this
24 chapter shall be paid into the (~~state treasury~~) food processing
25 inspection account hereby created within the agricultural local fund
26 established in RCW 43.23.230 and shall be used solely to carry out the
27 provisions of this chapter and chapter 69.04 RCW.