

CERTIFICATION OF ENROLLMENT

HOUSE BILL 1347

53rd Legislature
1993 Regular Session

Passed by the House March 10, 1993
Yeas 97 Nays 0

**Speaker of the
House of Representatives**

Passed by the Senate March 6, 1993
Yeas 45 Nays 1

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Alan Thompson, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 1347** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

HOUSE BILL 1347

Passed Legislature - 1993 Regular Session

State of Washington 53rd Legislature 1993 Regular Session

By Representatives Forner, Rayburn, Dyer, Thomas, Wood, Morton and Silver

Read first time 01/25/93. Referred to Committee on Agriculture & Rural Development.

1 AN ACT Relating to camelids; amending RCW 15.65.020 and 15.66.010;
2 adding a new section to chapter 16.36 RCW; and adding a new section to
3 chapter 77.12 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 16.36 RCW
6 to read as follows:

7 The authority of the director of agriculture to prevent, control,
8 and suppress in this state diseases in llamas and alpacas shall be the
9 same as the director's authority to take such actions under this
10 chapter with regard to any other domestic animal, including but not
11 limited to livestock.

12 **Sec. 2.** RCW 15.65.020 and 1986 c 203 s 15 are each amended to read
13 as follows:

14 The following terms are hereby defined:

15 (1) "Director" means the director of agriculture of the state of
16 Washington or his duly appointed representative. The phrase "director
17 or his designee" means the director unless, in the provisions of any
18 marketing agreement or order, he has designated an administrator, board

1 or other designee to act for him in the matter designated, in which
2 case "director or his designee" means for such order or agreement the
3 administrator, board or other person(s) so designated and not the
4 director.

5 (2) "Department" means the department of agriculture of the state
6 of Washington.

7 (3) "Marketing order" means an order issued by the director
8 pursuant to this chapter.

9 (4) "Marketing agreement" means an agreement entered into and
10 issued by the director pursuant to this chapter.

11 (5) "Agricultural commodity" means llamas, alpacas, or any other
12 animal or any distinctive type of agricultural, horticultural,
13 viticultural, floricultural, vegetable, or animal product, including,
14 but not limited to, products qualifying as organic food products under
15 chapter 15.86 RCW and private sector cultured aquatic products as
16 defined in RCW 15.85.020 and other fish and fish products, either in
17 its natural or processed state, including bees and honey and Christmas
18 trees but not including timber or timber products. The director is
19 hereby authorized to determine (on the basis of common usage and
20 practice) what kinds, types or sub-types should be classed together as
21 an agricultural commodity for the purposes of this chapter.

22 (6) "Production area" and "marketing area" means any area defined
23 as such in any marketing order or agreement in accordance with RCW
24 15.65.350. "Affected area" means the marketing or production area so
25 defined in such order, agreement or proposal.

26 (7) "Unit" of an agricultural commodity means a unit of volume,
27 weight, quantity, or other measure in which such commodity is commonly
28 measured. The director shall designate in each marketing order and
29 agreement the unit to be used therein.

30 (8) "Affected unit" means in the case of marketing agreements and
31 orders drawn on the basis of a production area, any unit of the
32 commodity specified in or covered by such agreement or order which is
33 produced in such area and sold or marketed or delivered for sale or
34 marketing; and "affected unit" means, in the case of marketing
35 agreements and orders drawn on the basis of marketing area, any unit of
36 the commodity specified in or covered by such agreement or order which
37 is stored in frozen condition or sold or marketed or delivered for sale
38 or marketing within such marketing area: PROVIDED, That in the case of
39 marketing agreements "affected unit" shall include only those units

1 which are produced by producers or handled by handlers who have
2 assented to such agreement.

3 (9) "Affected commodity" means that part or portion of any
4 agricultural commodity which is covered by or forms the subject matter
5 of any marketing agreement or order or proposal, and includes all
6 affected units thereof as herein defined and no others.

7 (10) "Producer" means any person engaged in the business of
8 producing any agricultural commodity for market in commercial
9 quantities. "Affected producer" means any producer of an affected
10 commodity. "To produce" means to act as a producer. For the purposes
11 of RCW 15.65.140 and 15.65.160 as now or hereafter amended "producer"
12 shall include bailees who contract to produce or grow any agricultural
13 product on behalf of a bailor who retains title to the seed and its
14 resulting agricultural product or the agricultural product delivered
15 for further production or increase.

16 (11) "Handler" means any person who acts, either as principal,
17 agent or otherwise, in processing, selling, marketing or distributing
18 an agricultural commodity or storage of a frozen agricultural commodity
19 which was not produced by him. "Handler" does not mean a common
20 carrier used to transport an agricultural commodity. "Affected
21 handler" means any handler of an affected commodity. "To handle" means
22 to act as a handler.

23 (12) "Producer-handler" means any person who acts both as a
24 producer and as a handler with respect to any agricultural commodity.
25 A producer-handler shall be deemed to be a producer with respect to the
26 agricultural commodities which he produces, and a handler with respect
27 to the agricultural commodities which he handles, including those
28 produced by himself.

29 (13) "Cooperative association" means any incorporated or
30 unincorporated association of producers which conforms to the
31 qualifications set out in the act of congress of the United States of
32 February 18, 1922 as amended, known as the "Capper-Volstead Act" and
33 which is engaged in making collective sales or in marketing any
34 agricultural commodity or product thereof or in rendering service for
35 or advancing the interests of the producers of such commodity on a
36 nonprofit cooperative basis.

37 (14) "Member of a cooperative association" means any producer who
38 markets his product through such cooperative association and who is a
39 voting stockholder of or has a vote in the control of or is a party to

1 a marketing agreement with such cooperative association with respect to
2 such product.

3 (15) "Producer marketing" or "marketed by producers" means any or
4 all operations performed by any producer or cooperative association of
5 producers in preparing for market and marketing, and shall include:
6 (a) selling any agricultural commodity produced by such producer(s) to
7 any handler; (b) delivering any such commodity or otherwise disposing
8 of it for commercial purposes to or through any handler.

9 (16) "Commercial quantities" as applied to producers and/or
10 production means such quantities per year (or other period of time) of
11 an agricultural commodity as the director finds are not less than the
12 minimum which a prudent man engaged in agricultural production would
13 produce for the purpose of making such quantity of such commodity a
14 substantial contribution to the economic operation of the farm on which
15 such commodity is produced. "Commercial quantities" as applied to
16 handlers and/or handling means such quantities per year (or other
17 period of time) of an agricultural commodity or product thereof as the
18 director finds are not less than the minimum which a prudent man
19 engaged in such handling would handle for the purpose of making such
20 quantity a substantial contribution to the handling operation in which
21 such commodity or product thereof is so handled. In either case the
22 director may in his discretion: (a) determine that substantial
23 quantity is any amount above zero; and (b) apply the quantity so
24 determined on a uniform rule applicable alike to all persons which he
25 finds to be similarly situated.

26 (17) "Commodity board" means any board established pursuant to RCW
27 15.65.220. "Board" means any such commodity board unless a different
28 board is expressly specified.

29 (18) "Sell" includes offer for sale, expose for sale, have in
30 possession for sale, exchange, barter or trade.

31 (19) "Section" means a section of this chapter unless some other
32 statute is specifically mentioned. The present includes the past and
33 future tenses, and the past or future the present. The masculine
34 gender includes the feminine and neuter. The singular number includes
35 the plural and the plural includes the singular.

36 (20) "Represented in a referendum" means that a written document
37 evidencing approval or assent or disapproval or dissent is duly and
38 timely filed with or mailed to the director by or on behalf of an
39 affected producer and/or a volume of production of an affected

1 commodity in a form which the director finds meets the requirements of
2 this chapter.

3 (21) "Person" as used in this chapter shall mean any person, firm,
4 association or corporation.

5 **Sec. 3.** RCW 15.66.010 and 1986 c 203 s 16 are each amended to read
6 as follows:

7 For the purposes of this chapter:

8 (1) "Director" means the director of agriculture of the state of
9 Washington or any qualified person or persons designated by the
10 director of agriculture to act for him concerning some matter under
11 this chapter.

12 (2) "Department" means the department of agriculture of the state
13 of Washington.

14 (3) "Marketing order" means an order issued by the director
15 pursuant to this chapter.

16 (4) "Agricultural commodity" means llamas, alpacas, or any other
17 animal or any distinctive type of agricultural, horticultural,
18 viticultural, vegetable, and/or animal product, including, but not
19 limited to, products qualifying as organic food products under chapter
20 15.86 RCW and private sector cultured aquatic products as defined in
21 RCW 15.85.020 and other fish and fish products, within its natural or
22 processed state, including bees and honey and Christmas trees but not
23 including timber or timber products. The director is authorized to
24 determine what kinds, types or subtypes should be classed together as
25 an agricultural commodity for the purposes of this chapter.

26 (5) "Producer" means any person engaged in the business of
27 producing or causing to be produced for market in commercial quantities
28 any agricultural commodity. For the purposes of RCW 15.66.060,
29 15.66.090, and 15.66.120, as now or hereafter amended "producer" shall
30 include bailees who contract to produce or grow any agricultural
31 product on behalf of a bailor who retains title to the seed and its
32 resulting agricultural product or the agricultural product delivered
33 for further production or increase.

34 (6) "Affected producer" means any producer of an affected
35 commodity.

36 (7) "Affected commodity" means any agricultural commodity for which
37 the director has established a list of producers pursuant to RCW
38 15.66.060.

1 (8) "Commodity commission" or "commission" means a commission
2 formed to carry out the purposes of this chapter under a particular
3 marketing order concerning an affected commodity.

4 (9) "Unit" means a unit of volume, quantity or other measure in
5 which an agricultural commodity is commonly measured.

6 (10) "Unfair trade practice" means any practice which is unlawful
7 or prohibited under the laws of the state of Washington including but
8 not limited to Titles 15, 16 and 69 RCW and chapters 9.16, 19.77,
9 19.80, 19.84, and 19.83 RCW, or any practice, whether concerning
10 interstate or intrastate commerce that is unlawful under the provisions
11 of the act of Congress of the United States, September 26, 1914,
12 chapter 311, section 5, 38 U.S. Statutes at Large 719 as amended, known
13 as the "Federal Trade Commission Act of 1914", or the violation of or
14 failure accurately to label as to grades and standards in accordance
15 with any lawfully established grades or standards or labels.

16 (11) "Person" includes any individual, firm, corporation, trust,
17 association, partnership, society, or any other organization of
18 individuals.

19 (12) "Cooperative association" means any incorporated or
20 unincorporated association of producers which conforms to the
21 qualifications set out in the act of Congress of the United States,
22 Feb. 18, 1922, chapter 57, sections 1 and 2, 42 U.S. Statutes at Large
23 388 as amended, known as the "Capper-Volstead Act" and which is engaged
24 in making collective sales or in marketing any agricultural commodity
25 or product thereof or in rendering service for or advancing the
26 interests of the producers of such commodity on a nonprofit cooperative
27 basis.

28 (13) "Member of a cooperative association" or "member" means any
29 producer of an agricultural commodity who markets his product through
30 such cooperative association and who is a voting stockholder of or has
31 a vote in the control of or is under a marketing agreement with such
32 cooperative association with respect to such product.

33 NEW SECTION. **Sec. 4.** A new section is added to chapter 77.12 RCW
34 to read as follows:

35 The authority of the department of wildlife does not extend to
36 preventing, controlling, or suppressing diseases in llamas or alpacas
37 or to controlling the movement or sale of llamas or alpacas.

1 This section shall not be construed as granting or denying
2 authority to the department of wildlife to prevent, control, or
3 suppress diseases in any animals other than llamas and alpacas.

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