
HOUSE BILL 2633

State of Washington

64th Legislature

2016 Regular Session

By Representatives Blake, Buys, Rossetti, Lytton, and Dent; by request of Department of Agriculture

Read first time 01/18/16. Referred to Committee on Agriculture & Natural Resources.

1 AN ACT Relating to merging the state department of agriculture's
2 fruit and vegetable inspection districts and accounts; amending RCW
3 15.17.240 and 15.17.020; and repealing RCW 15.17.230 and 15.17.247.

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

5 **Sec. 1.** RCW 15.17.240 and 2002 c 322 s 2 are each amended to
6 read as follows:

7 (1) The fruit and vegetable inspection account is created in the
8 custody of the state treasurer. All fees collected under this chapter
9 must be deposited into the account. The director may authorize
10 expenditures from the account solely for the implementation and
11 enforcement of this chapter and any other expenditures authorized by
12 statute or session law and applying specifically to the account. The
13 account is subject to allotment procedures under chapter 43.88 RCW,
14 but an appropriation is not required for expenditures.

15 ~~((The director shall establish and maintain an account within the
16 fruit and vegetable inspection account for each district established
17 under RCW 15.17.230.))~~

18 (2) By August 1, 2004, and by August 1st of each even-numbered
19 year thereafter, the director shall review the balance ~~((of each of
20 the district accounts))~~ in the fruit and vegetable inspection account
21 at the end of the previous fiscal year. If the balance in the

1 ((~~district~~)) account exceeds the sum of the following: An amount
2 equal to the total expenditures of the ((~~district~~)) program served by
3 that account for the last six months of that previous fiscal year;
4 any budgeted capital expenditures from the account for the current
5 fiscal year; and six hundred thousand dollars, the director shall
6 temporarily and equally, on a percentage basis, reduce each of the
7 fees accruing to the ((~~district~~)) account until such time that the
8 ((~~district~~)) account has a balance equal to the amount of the total
9 expenditures from the account for the last seven months of the
10 previous fiscal year, at which time the fees shall be returned to the
11 amounts before the temporary reduction. In making the reductions, the
12 director shall attempt to reduce fees for a twelve-month period so as
13 to apply the reductions to as many of the persons who annually pay
14 fees for services provided by the ((~~district~~)) program. The temporary
15 fee reductions shall be initially provided through the adoption of
16 emergency rules. The emergency and subsequent rules temporarily
17 reducing the fees are exempt from the requirements of RCW 34.05.310
18 and chapter 19.85 RCW. These fees shall be reinstated through the
19 expiration of the rules temporarily reducing them and the authority
20 to reinstate them is hereby granted.

21 **Sec. 2.** RCW 15.17.020 and 2014 c 140 s 33 are each amended to
22 read as follows:

23 For the purpose of this chapter:

24 (1) "Agent" means broker, commission merchant, solicitor, seller,
25 or consignor, and any other person acting upon the actual or implied
26 authority of another.

27 (2) "Certification" means, but is not limited to, the issuance by
28 the director of an inspection certificate or other official document
29 stating the grade, classification, and/or condition of any fruits or
30 vegetables, and/or if the fruits or vegetables are free of plant
31 pests and/or other defects.

32 (3) "Combination grade" means two or more grades packed together
33 as one, except cull grades, with a minimum percent of the product of
34 the higher grade, as established by rule.

35 (4) "Compliance agreement" means an agreement entered into
36 between the department and a shipper or packer, that authorizes the
37 shipper or packer to issue certificates of compliance for fruits and
38 vegetables.

1 (5) "Container" means any container or subcontainer used to
2 prepackage any fruits or vegetables. This does not include a
3 container used by a retailer to package fruits or vegetables sold
4 from a bulk display to a consumer.

5 (6) "Deceptive arrangement or display" means any bulk lot or
6 load, arrangement, or display of fruits or vegetables which has in
7 the exposed surface, fruits or vegetables which are so superior in
8 quality, size, condition, or any other respect to those which are
9 concealed, or the unexposed portion, as to materially misrepresent
10 any part of the bulk lot or load, arrangement, or display.

11 (7) "Deceptive pack" means the pack of any container which has in
12 the outer layer or any exposed surface fruits or vegetables which are
13 in quality, size, condition, or any other respect so superior to
14 those in the interior of the container in the unexposed portion as to
15 materially misrepresent the contents. Such pack is deceptive when the
16 outer or exposed surface is composed of fruits or vegetables whose
17 size is not an accurate representation of the variation of the size
18 of the fruits or vegetables in the entire container, even though the
19 fruits or vegetables in the container are virtually uniform in size
20 or comply with the specific standards adopted under this chapter.

21 (8) "Department" means the department of agriculture of the state
22 of Washington.

23 (9) "Director" means the director of the department or his or her
24 duly authorized representative.

25 (10) (~~"District manager" means a person representing the~~
26 ~~director in charge of overall operation of a fruit and vegetable~~
27 ~~inspection district established under RCW 15.17.230.~~

28 ~~(11))~~ "Facility" means, but is not limited to, the premises
29 where fruits and vegetables are grown, stored, handled, or delivered
30 for sale or transportation, and all vehicles and equipment, whether
31 aerial or surface, used to transport fruits and vegetables.

32 ~~((12))~~ (11) "Fruits and vegetables" means any unprocessed
33 fruits or vegetables, but does not include marijuana as defined in
34 RCW 69.50.101.

35 ~~((13))~~ (12) "Handler" means any person engaged in the business
36 of handling, selling, processing, storing, shipping, or distributing
37 fruits or vegetables that he or she has purchased or acquired from a
38 producer.

1 ~~((14))~~ (13) "Inspection" means, but is not limited to, the
2 inspection by the director of any fruits or vegetables at any time
3 prior to, during, or subsequent to harvest.

4 ~~((15))~~ (14) "Mislabel" means the placing or presence of any
5 false or misleading statement, design, or device upon any wrapper,
6 container, container label or lining, or any placard used in
7 connection with and having reference to fruits or vegetables.

8 ~~((16))~~ (15) "Person" means any individual, firm, partnership,
9 corporation, company, society, or association, and every officer,
10 agent, or employee thereof.

11 ~~((17))~~ (16) "Plant pests" means, but is not limited to, any
12 living stage of any insects, mites, nematodes, slugs, snails,
13 protozoa, or other invertebrate animals, bacteria, fungi, viruses, or
14 any organisms similar to or allied with any of the foregoing, or any
15 infectious substance, which can directly or indirectly injure or
16 cause disease or damage in any plant or parts thereof, or any
17 processed, manufactured, or other products of plants.

18 ~~((18))~~ (17) "Sell" means to sell, offer for sale, hold for
19 sale, or ship or transport in bulk or in containers.

20 ~~((19))~~ (18) "Standards" means grades, classifications, and
21 other inspection criteria for fruits and vegetables.

22 NEW SECTION. **Sec. 3.** The following acts or parts of acts are
23 each repealed:

24 (1) RCW 15.17.230 (Fruit and vegetable inspection districts) and
25 2002 c 322 s 1, 1998 c 154 s 15, 1986 c 203 s 2, 1975 1st ex.s. c 7 s
26 1, 1969 ex.s. c 76 s 2, & 1963 c 122 s 23; and

27 (2) RCW 15.17.247 (District two—Transfer of funds—Control of
28 Rhagoletis pomonella) and 2013 c 46 s 1 & 2009 c 208 s 1.

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