

CERTIFICATION OF ENROLLMENT

HOUSE BILL 1150

Chapter 144, Laws of 1999

56th Legislature
1999 Regular Session

PLANTING STOCK CERTIFICATION

EFFECTIVE DATE: 7/25/99

Passed by the House February 22, 1999
Yeas 97 Nays 0

CLYDE BALLARD
**Speaker of the House of
Representatives**

FRANK CHOPP
**Speaker of the House of
Representatives**

Passed by the Senate April 14, 1999
Yeas 49 Nays 0

BRAD OWEN
President of the Senate

Approved April 30, 1999

GARY LOCKE
Governor of the State of Washington

CERTIFICATE

We, Dean R. Foster and Timothy A. Martin, Co-Chief Clerks of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 1150** as passed by the House of Representatives and the Senate on the dates hereon set forth.

DEAN R. FOSTER
Chief Clerk

TIMOTHY A. MARTIN
Chief Clerk

FILED

April 30, 1999 - 11:48 a.m.

**Secretary of State
State of Washington**

HOUSE BILL 1150

Passed Legislature - 1999 Regular Session

State of Washington 56th Legislature 1999 Regular Session

By Representatives G. Chandler, Linville and Cooper; by request of
Department of Agriculture

Read first time 01/15/1999. Referred to Committee on Agriculture &
Ecology.

1 AN ACT Relating to planting stock certification; amending RCW
2 15.14.010, 15.14.030, 15.14.070, 15.14.050, 15.14.110, 15.14.120,
3 15.14.040, 15.14.140, 15.14.130, and 15.13.470; adding new sections to
4 chapter 15.14 RCW; creating a new section; recodifying RCW 15.14.010,
5 15.14.030, 15.14.070, 15.14.050, 15.14.110, 15.14.120, 15.14.040,
6 15.14.140, 15.14.150, 15.14.130, 15.14.900, and 15.14.920; decodifying
7 RCW 15.14.910; and repealing RCW 15.14.020, 15.14.060, 15.14.080,
8 15.14.100, 15.69.010, 15.69.020, 15.69.030, and 15.69.040.

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

10 **Sec. 1.** RCW 15.14.010 and 1989 c 354 s 84 are each amended to read
11 as follows:

12 (~~For the purpose of this chapter:~~) The definitions in this
13 section apply throughout this chapter unless the context clearly
14 requires otherwise.

15 (1) "Department" means the department of agriculture of the state
16 of Washington.

17 (2) "Director" means the director of the department or (~~his duly~~
18 ~~appointed representative~~) the director's designee.

1 (3) "Person" means ~~((a natural person,))~~ an individual, ((or))
2 firm, partnership, corporation, company, ((society and)) association,
3 or public entity and every officer, agent, or employee ~~((thereof. This~~
4 ~~term shall import either the singular or plural, as the case may be))~~
5 of these entities.

6 (4) "Plant pests" means, but is not limited to, any living stage of
7 any insects, mites, nematodes, slugs, snails, protozoa, or other
8 invertebrate animals, bacteria, fungi, other parasitic plants or weeds
9 or reproductive parts thereof, viruses or any organisms similar to or
10 allied with any of the foregoing, or any infectious substance, which
11 can directly or indirectly injure or cause disease or damage to any
12 plant or parts thereof, or any processed, manufactured, or other
13 products of plants.

14 (5) ~~(("Plant propagating stock" hereinafter referred to as))~~
15 "Micropropagated plants" means plants propagated using aseptic
16 laboratory techniques and an artificial culture medium.

17 (6) "Tolerance" means the maximum acceptable percentage of planting
18 stock that is diseased, infected by plant pests, defective, or off-type
19 based on visual inspection or laboratory testing by the director or
20 other authorized person.

21 (7) "Planting stock" includes any ((propagating)) plant
22 material((s)) used ((for the production or processing)) in the
23 propagation of horticultural, floricultural, viticultural, or
24 olericultural plants for the purpose of being sold, offered for sale,
25 or ((exposed for sale)) distributed for planting or reproduction
26 purposes((: PROVIDED, That it shall not include agricultural and
27 vegetable seeds as defined in RCW 15.49.011.

28 ~~(6) "Certified plant stock" means the progeny of foundation,~~
29 ~~registered or certified plant stock if designated foundation and plant~~
30 ~~propagating materials that are so handled as to maintain satisfactory~~
31 ~~genetic identity and purity and have met certification standards~~
32 ~~required by this chapter and have been approved and certified by the~~
33 ~~director.~~

34 ~~(7) "Foundation planting stock" means plant stock propagating~~
35 ~~materials that are increased from breeder or designated plant stock and~~
36 ~~are so handled as to most nearly maintain specific genetic identity and~~
37 ~~purity. Foundation plant stock, established by designation shall be~~
38 ~~that plant stock so designated by the director.~~

1 ~~(8) "Breeder planting stock" means plant propagating materials~~
2 ~~directly controlled by the originating or in certain cases the~~
3 ~~sponsoring plant breeder or institution, which may include the~~
4 ~~department and which provides the source of the foundation plant stock.~~

5 ~~(9) "Registered planting stock" means the progeny of foundation or~~
6 ~~registered planting stock or plant propagating material that is so~~
7 ~~handled as to maintain satisfactory genetic identity and purity and~~
8 ~~that has been approved and certified by the director.~~

9 ~~This class of planting stock shall be of a quality suitable for the~~
10 ~~production of certified planting stock)).~~

11 (8) "Breeder planting stock" means plant propagating materials
12 directly controlled by the originating or sponsoring plant breeder or
13 institution, which provides the source of foundation planting stock.

14 (9) "Foundation planting stock" means planting stock that has been
15 so handled as to maintain genetic characteristics and that has been:

16 (a) Increased directly from breeder planting stock; or

17 (b) Designated as foundation planting stock by the director.

18 (10) "Registered planting stock" means planting stock of a quality
19 suitable for the production of certified planting stock that has been
20 so handled as to maintain genetic characteristics and that is:

21 (a) Increased directly from foundation or registered planting
22 stock; or

23 (b) Designated as registered planting stock by the director.

24 (11) "Certified planting stock" means the progeny of foundation,
25 registered, or certified planting stock that has been so handled as to
26 maintain genetic characteristics, that has met certification standards
27 authorized by this chapter, and that has been certified by the
28 director.

29 **Sec. 2.** RCW 15.14.030 and 1961 c 83 s 3 are each amended to read
30 as follows:

31 The director may adopt rules necessary to carry out the purpose and
32 provisions of this chapter concerning, but not limited to:

33 (1) ~~((The))~~ Certification of planting stock as to freedom from
34 infection by plant pests, variety, ((type, strain or other genetic
35 character)) classification, and grade.

36 (2) ~~((The freedom of planting stock from infection by plant pests.~~

37 (3) ~~Grades and classifications for the various varieties, types or~~
38 ~~strains of planting stock and standards and sizes for such grades~~

1 ~~and/or classifications))~~ Establishment of tolerances for planting stock
2 that is diseased, infected with plant pests, defective, or off-type.

3 (3) Establishment of standards and grades for planting stock.

4 (4) ((The)) Labeling ((and)), identification, grading, and packing
5 of foundation, registered, and certified planting stock.

6 (5) ((The)) Inspection and testing of foundation, registered, and
7 certified planting stock prior to planting during the growing season or
8 seasons, prior to and during harvest, and subsequent to harvest.

9 (6) Exclusion and removal of diseased, infected with plant pests,
10 defective, or off-type plants from foundation, registered, and
11 certified planting stock.

12 (7) Establishing processes, site requirements, and criteria for
13 participation in programs authorized by this chapter.

14 (8) Cultivation and sanitation practices in growing, storing,
15 distributing, and processing foundation, registered, and certified
16 planting stock.

17 (9) Establishing recordkeeping requirements.

18 (10) Production, utilization, and testing of micropropagated plants
19 for foundation, registered, and certified planting stock.

20 (11) Establishment of fees and assessments for inspection, testing,
21 and certification of planting stock and other services authorized by
22 this chapter.

23 **Sec. 3.** RCW 15.14.070 and 1961 c 83 s 7 are each amended to read
24 as follows:

25 The director may(~~(, subject to rules adopted under the provisions~~
26 ~~of this chapter))):~~

27 (1) (~~Subsequent to inspection of certified or registered planting~~
28 ~~stock prior to planting and inspection during its growth and harvest~~
29 ~~and subsequent to harvest)) Issue certificates stating that ((such))
30 planting stock found by the director or other authorized person to be
31 in compliance with rules adopted under this chapter is foundation,
32 registered, or certified ((or registered)) planting stock.~~

33 (2) Take samples in reasonable amounts as necessary of planting
34 stock ((certified or registered under the provisions of subsection (1)
35 of this section for the purpose of checking and testing to see if such
36 certified and registered planting stock is maintaining its genetic
37 characteristics)) to inspect and test for genetic characteristics
38 and/or freedom from infection by plant pests. ((Such samples of

1 certified or registered planting stock shall be planted and checked in
2 Washington state crop improvement nurseries. Reports of the results of
3 the test plantings shall be made available to the producers or
4 commercial growers of certified or registered planting stock
5 forthwith.))

6 (3) Publish names of growers participating in certification
7 programs and inspection results.

8 (4) Require growers participating in certification programs to
9 notify purchasers of planting stock when postharvest inspections or
10 tests show the planting stock represented as foundation, registered, or
11 certified has failed to meet minimum standards for certification.

12 NEW SECTION. Sec. 4. A new section is added to chapter 15.14 RCW
13 to read as follows:

14 In order to carry out the purposes of this chapter, the director
15 may enter at reasonable times as determined by the director and inspect
16 any property or premises and any records required under this chapter.
17 If the director is denied access to any property, premises, or records,
18 the director may suspend, cancel, or refuse certification or other
19 approval of the planting stock or may apply to a court of competent
20 jurisdiction for a search warrant authorizing access to the property,
21 premises, or records. The court may upon the application issue a
22 search warrant for the purpose requested.

23 NEW SECTION. Sec. 5. A new section is added to chapter 15.14 RCW
24 to read as follows:

25 The director may enter into compliance agreements with any grower
26 of foundation, registered, or certified planting stock for the purpose
27 of carrying out the provisions of this chapter. The director may
28 suspend or cancel any compliance agreement for cause. Upon notice by
29 the director to suspend or cancel a compliance agreement, a person may
30 request a hearing under chapter 34.05 RCW.

31 Sec. 6. RCW 15.14.050 and 1961 c 83 s 5 are each amended to read
32 as follows:

33 ((The director may,)) For ((the)) purposes of maintaining and/or
34 improving the genetic characteristics and freedom from infection by
35 plant pests of any registered, foundation, and breeder planting stock,
36 ((make such)) the director may acquire, propagate, and distribute

1 registered, foundation, and breeder planting stock ((readily
2 available)) to producers and commercial growers((, ~~acquire and plant~~
3 ~~such foundation and breeder planting stock for research and~~
4 ~~propagation~~)). The director may charge fees for the planting stock and
5 may place restrictions on its use and propagation by producers and
6 commercial growers.

7 **Sec. 7.** RCW 15.14.110 and 1961 c 83 s 11 are each amended to read
8 as follows:

9 The director may accept ((~~for certification~~)) as certified,
10 registered, foundation, or breeder ((seed)) planting stock any ((~~plant~~
11 ~~material~~)) planting stock grown or produced by Washington state
12 university, the United States department of agriculture or other
13 propagators whose plant materials are produced in conformance with the
14 requirements of this chapter and rules adopted ((~~hereunder.~~—Such
15 propagators' plant materials shall have been under the observation of
16 the director for a period of not less than one year pursuant to
17 periodic inspections by the director before he may certify them as
18 foundation or breeder planting stock)) under this chapter.

19 **Sec. 8.** RCW 15.14.120 and 1961 c 83 s 12 are each amended to read
20 as follows:

21 The director may cooperate with and enter into agreements with
22 Washington State University, ((~~experimental stations, governmental~~
23 ~~agencies of this state,~~)) the United States department of agriculture,
24 other state((s)) and federal agencies ((~~of the federal government~~)),
25 and any other organization in order to carry out the purposes and
26 provisions of this chapter.

27 **Sec. 9.** RCW 15.14.040 and 1961 c 83 s 4 are each amended to read
28 as follows:

29 The director may acquire by ((~~purchase,~~)) gift, ((~~devise, lease or~~
30 ~~rental,~~)) grant, or endowment from public or private sources, as may be
31 made in trust or otherwise, for the use and benefit of the purposes of
32 this chapter, real property and any other type property, ((including
33 any equipment, products or planting stock necessary to carry out the
34 purpose of this chapter.—Such real property shall be designated as
35 Washington state crop improvement nurseries and may be located in
36 remote or outlying areas where the breeder or foundation planting stock

1 ~~may be planted to better protect its genetic identity and freedom from~~
2 ~~plant pests)) and expend the same or any income therefrom according to~~
3 ~~the terms of the gift, grant, or endowment.~~

4 NEW SECTION. Sec. 10. A new section is added to chapter 15.14 RCW
5 to read as follows:

6 The director may suspend, cancel, or refuse certification or other
7 approval of any planting stock that fails to meet the certification
8 requirements authorized in this chapter. Upon notice by the director
9 to suspend, cancel, or refuse certification or other approval of any
10 planting stock, a person may request a hearing under chapter 34.05 RCW.

11 **Sec. 11.** RCW 15.14.140 and 1961 c 83 s 14 are each amended to read
12 as follows:

13 It (~~shall be~~) is unlawful for any person to sell, offer for sale,
14 hold for sale, label, identify, represent, or to advertise any planting
15 stock as being certified, registered, foundation, or breeder planting
16 stock unless it (~~has been inspected by the director and he has issued~~
17 ~~a certificate stating that such planting stock has met~~) complies with
18 the requirements of this chapter and rules adopted (~~hereunder and that~~
19 ~~it is properly identified and labeled~~) under this chapter.

20 NEW SECTION. Sec. 12. A new section is added to chapter 15.14 RCW
21 to read as follows:

22 A late charge of one and one-half percent per month shall be
23 assessed on the unpaid balance against persons more than thirty days in
24 arrears for any fee or assessment authorized by this chapter.

25 NEW SECTION. Sec. 13. A new section is added to chapter 15.14 RCW
26 to read as follows:

27 The director may withhold services to growers of planting stock for
28 refusal to comply with the provisions of this chapter or its rules, for
29 nonpayment of fees and assessment moneys owed to the department by law,
30 or for nonpayment of any assessment moneys due to an agricultural
31 commodity commission.

32 **Sec. 14.** RCW 15.14.130 and 1961 c 83 s 13 are each amended to read
33 as follows:

1 All the moneys collected (~~by the director~~) under the provisions
2 of this chapter shall be paid (~~into the northwest nursery~~) to the
3 director and deposited in the planting stock certification account
4 within the agricultural local fund (~~as created in RCW 15.69.020~~) and
5 shall be used (~~by the director~~) only to carry out the purposes and
6 provisions of this chapter.

7 NEW SECTION. Sec. 15. Any residual balance of funds remaining in
8 the northwest nursery fund on the effective date of this act shall be
9 transferred to the planting stock certification account within the
10 agricultural local fund.

11 **Sec. 16.** RCW 15.13.470 and 1993 c 120 s 17 are each amended to
12 read as follows:

13 (1) Except as provided in subsection (2) of this section, all
14 moneys collected under this chapter shall be paid to the director,
15 deposited in an account within the agricultural local fund, and used
16 solely for carrying out this chapter and rules adopted under this
17 chapter. No appropriation is required for the disbursement of moneys
18 from the account by the director. (~~Any residual balance of funds~~
19 ~~remaining in the nursery inspection fund on July 26, 1987, shall be~~
20 ~~transferred to that account within the agricultural local fund:~~
21 ~~PROVIDED, That~~)

22 (2) All fees collected for fruit tree, fruit tree related
23 ornamental tree, and fruit tree rootstock assessments as set forth in
24 this chapter shall be deposited in the (~~northwest nursery~~) planting
25 stock certification account within the agricultural local fund to be
26 used only for the Washington fruit tree and fruit tree related
27 ornamental tree certification and nursery improvement programs as set
28 forth in this chapter and chapter 15.14 RCW.

29 NEW SECTION. Sec. 17. The following acts or parts of acts are
30 each repealed:

- 31 (1) RCW 15.14.020 and 1961 c 83 s 2;
- 32 (2) RCW 15.14.060 and 1961 c 83 s 6;
- 33 (3) RCW 15.14.080 and 1989 c 175 s 44 & 1961 c 83 s 8;
- 34 (4) RCW 15.14.100 and 1961 c 83 s 10;
- 35 (5) RCW 15.69.010 and 1961 c 11 s 15.69.010;
- 36 (6) RCW 15.69.020 and 1961 c 11 s 15.69.020;

1 (7) RCW 15.69.030 and 1961 c 11 s 15.69.030; and
2 (8) RCW 15.69.040 and 1961 c 11 s 15.69.040.

3 NEW SECTION. **Sec. 18.** RCW 15.14.910 is decodified.

4 NEW SECTION. **Sec. 19.** The following sections are codified or
5 recodified within chapter 15.14 RCW in the following order:
6 RCW 15.14.010;
7 RCW 15.14.030;
8 RCW 15.14.070;
9 section 4 of this act;
10 section 5 of this act;
11 RCW 15.14.050;
12 RCW 15.14.110;
13 RCW 15.14.120;
14 RCW 15.14.040;
15 section 10 of this act;
16 RCW 15.14.140;
17 RCW 15.14.150;
18 section 12 of this act;
19 section 13 of this act;
20 RCW 15.14.130;
21 RCW 15.14.900; and
22 RCW 15.14.920.

Passed the House February 22, 1999.

Passed the Senate April 14, 1999.

Approved by the Governor April 30, 1999.

Filed in Office of Secretary of State April 30, 1999.