

CERTIFICATION OF ENROLLMENT

HOUSE BILL 2289

Chapter 215, Laws of 2002

57th Legislature
2002 Regular Session

NURSERY IMPROVEMENT PROGRAMS

EFFECTIVE DATE: 6/13/02

Passed by the House February 16, 2002
Yeas 98 Nays 0

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

Passed by the Senate March 8, 2002
Yeas 48 Nays 0

BRAD OWEN
President of the Senate

Approved March 28, 2002

GARY LOCKE
Governor of the State of Washington

CERTIFICATE

I, Cynthia Zehnder, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 2289** as passed by the House of Representatives and the Senate on the dates hereon set forth.

CYNTHIA ZEHNDER
Chief Clerk

FILED

March 28, 2002 - 8:48 a.m.

**Secretary of State
State of Washington**

HOUSE BILL 2289

Passed Legislature - 2002 Regular Session

State of Washington

57th Legislature

2002 Regular Session

By Representatives Linville and Schoesler; by request of Department of Agriculture

Read first time 01/14/2002. Referred to Committee on Agriculture & Ecology.

1 AN ACT Relating to assessments for planting stock certification and
2 nursery improvement programs; amending RCW 15.13.310, 15.13.370, and
3 15.13.470; and adding a new section to chapter 15.13 RCW.

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

5 **Sec. 1.** RCW 15.13.310 and 2000 c 144 s 10 are each amended to read
6 as follows:

7 (1) An annual assessment shall be levied on the gross sale price of
8 the wholesale market value for all (~~fruit trees, fruit tree related~~
9 ~~ornamental trees, and fruit tree rootstock produced in Washington, and~~
10 ~~sold within the state or shipped from the state by any licensed nursery~~
11 ~~dealer during any license period. Fruit tree related ornamental~~
12 ~~nursery stock shall be limited to the genera, Chaenomeles, Cydonia,~~
13 ~~Crataegus, Malus, Prunus, Pyrus, and Sorbus)) horticultural plants of
14 the genera Chaenomeles, Cydonia, Crataegus, Malus, Prunus, Pyrus,
15 Sorbus, and Vitis produced in Washington, and sold within the state or
16 shipped from the state by any licensed nursery dealer during any
17 license period. This annual assessment is based on the first sale
18 price of such nursery stock except for rootstocks which are replanted
19 and/or grafted or budded and planted for growing-on in the nursery.~~

1 The director shall by rule determine the rate of an assessment needed
2 to carry out the grapevine and fruit tree certification and nursery
3 improvement programs set forth in RCW 15.13.470 and chapter 15.14 RCW.

4 The wholesale market price may be determined by the wholesale
5 catalogue price of the seller of the (~~fruit trees, fruit tree related~~
6 ~~ornamentals, or fruit tree rootstock~~) horticultural plants assessed
7 under this section or of the shipper moving such nursery stock out of
8 the state. If the seller or shipper does not have a catalogue, then
9 the wholesale market price may be based on the actual selling price or
10 an average wholesale market price. The director in determining the
11 average wholesale market price may use catalogues of various businesses
12 licensed under the provisions of this chapter or any other reasonable
13 method.

14 (2) The assessment is due and payable on the first day of July of
15 each year.

16 (3) The gross sale period shall be from July 1 to June 30 of the
17 previous year.

18 (4) The department may audit the records of licensees during normal
19 business hours to determine that the appropriate assessment has been
20 paid.

21 NEW SECTION. **Sec. 2.** A new section is added to chapter 15.13 RCW
22 to read as follows:

23 An advisory committee is established to advise the director in the
24 administration of the grapevine certification and nursery improvement
25 program.

26 (1) The committee consists of two grapevine nursery dealers; three
27 grape growers, at least two of whom grow wine grapes; one winery
28 representative; a university researcher; and the director.

29 (2) When appointing this committee, the director shall consider
30 names submitted by the Washington association of wine grape growers and
31 the Washington state grape society.

32 (3) The terms of the members of the committee shall be staggered
33 and the members shall serve a term of three years and until their
34 successor has been appointed.

35 **Sec. 3.** RCW 15.13.370 and 2000 c 144 s 15 are each amended to read
36 as follows:

1 (1) Any person licensed under the provisions of this chapter may
2 request the services of a department inspector at the licensee's place
3 of business or point of shipment during the shipping season.
4 Subsequent to inspection the inspector shall issue to the licensee a
5 certificate of inspection signed by the inspector covering any
6 horticultural plants which the inspector finds to be in compliance with
7 the provisions of this chapter.

8 (2) Any person financially interested in any horticultural plants
9 may request inspection and/or certification services provided for
10 horticultural plants under this chapter.

11 (3) To facilitate the (~~movement~~) marketing of agricultural
12 commodities and other plant products, the director may provide, if
13 requested, special inspections or certifications not otherwise
14 authorized under this chapter and shall prescribe a fee for that
15 service.

16 **Sec. 4.** RCW 15.13.470 and 2000 c 144 s 28 are each amended to read
17 as follows:

18 (1) Except as provided in RCW 15.13.285 and in subsections (2) and
19 (3) of this section, all moneys collected under this chapter shall be
20 paid to the director, deposited in an account within the agricultural
21 local fund, and used solely for carrying out this chapter. No
22 appropriation is required for the disbursement of moneys from the
23 account by the director.

24 (2) All fees collected (~~for fruit tree, fruit tree related~~
25 ~~ornamental tree, and fruit tree rootstock assessments as set forth in~~
26 ~~this chapter~~) under RCW 15.13.310 shall be deposited in the planting
27 stock certification account within the agricultural local fund to be
28 used only for the Washington grapevine and fruit tree (~~and fruit tree~~
29 ~~related ornamental tree~~) certification and nursery improvement
30 programs as set forth in this chapter and chapter 15.14 RCW.

31 (3) All moneys collected for civil penalties under this chapter
32 shall be deposited in the nursery research account within the
33 agricultural local fund.

Passed the House February 16, 2002.

Passed the Senate March 8, 2002.

Approved by the Governor March 28, 2002.

Filed in Office of Secretary of State March 28, 2002.