

CERTIFICATION OF ENROLLMENT

**ENGROSSED HOUSE BILL 2773**

Chapter 235, Laws of 2002

57th Legislature  
2002 Regular Session

FRUIT SALES--MARKETING INFORMATION

EFFECTIVE DATE: 6/13/02

Passed by the House March 11, 2002  
Yeas 96 Nays 0

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

Passed by the Senate March 7, 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 **ENGROSSED HOUSE BILL 2773** as passed by the House of Representatives and the Senate on the dates hereon set forth.

CYNTHIA ZEHNDER  
**Chief Clerk**

FILED

March 28, 2002 - 9:08 a.m.

**Secretary of State  
State of Washington**

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**ENGROSSED HOUSE BILL 2773**

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AS AMENDED BY THE SENATE

Passed Legislature - 2002 Regular Session

**State of Washington**                      **57th Legislature**                      **2002 Regular Session**

**By** Representatives Clements, Linville, Chandler and Grant

Read first time 01/28/2002. Referred to Committee on Agriculture & Ecology.

1            AN ACT Relating to sales of fruit; adding a new section to chapter  
2 42.17 RCW; creating new sections; and providing an expiration date.

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

4            NEW SECTION.    **Sec. 1.** To provide uniformity in the marketplace and  
5 to protect consignors of apples, the existing state standards for  
6 grades and packs of apples shall be evaluated. Revision of the  
7 standards for grades and packs of apples that will clarify the  
8 standards in such a way that they will be applied consistently among  
9 warehouses and commission merchants shall be evaluated. The evaluation  
10 must consider the appropriate level of uniformity that will ensure that  
11 the apples of a particular variety, grade, and pack sold from one  
12 warehouse will be equivalent to the apples of the same variety, grade,  
13 and pack sold from other warehouses.

14            For this purpose, the director shall convene an apple grades and  
15 packs committee that is widely recognized within the horticultural  
16 industry as representing the interests of the industry to recommend by  
17 consensus revisions to the standards that it believes will provide the  
18 desired level of uniformity that best serves the interest of apple  
19 producers, packers, and consumers.

1 If the industry committee recommends such revisions by consensus by  
2 December 15, 2003, the director shall give great weight to the  
3 recommendations in proposing the adoption of rules that reflect the  
4 consensus recommendations.

5 If the apple grades and packs committee does not make  
6 recommendations by consensus by December 15, 2003, the committee shall  
7 report its findings and conclusions to the department of agriculture,  
8 and to appropriate legislative committees that have jurisdiction over  
9 agricultural issues at meetings scheduled during the next ensuing  
10 regular session of the legislature. The appropriate legislative  
11 committees may monitor the activities of the apple grades and packs  
12 committee and may schedule interim committee meetings to obtain  
13 progress reports by the apple grades and packs committee.

14 This section expires April 30, 2004.

15 NEW SECTION. **Sec. 2.** The legislature finds that consignors of  
16 fruit, whether the sale is conducted as individual sales or in a  
17 pooling arrangement, need timely and more complete marketing  
18 information regarding terms of sale for various varieties of fruit so  
19 that producers can make informed business decisions. The legislature  
20 finds that the affected industry needs to review the type of  
21 information that is currently available, the type of information that  
22 would be useful, and how best to make available the additional  
23 information.

24 The legislature requests that the Washington state horticultural  
25 association, the Wenatchee valley traffic association, the Yakima  
26 valley growers and shippers association, and the Washington growers  
27 clearinghouse association meet with each other to conduct a thorough  
28 analysis of the marketing information needs of the industry and provide  
29 recommendations to the legislature on how the market information needs  
30 can best be addressed. The legislature requests that these groups  
31 develop a joint report containing those items to improve the  
32 availability of market information for which agreement has been  
33 attained. On issues for which consensus has not been reached, each  
34 organization is requested to provide a brief statement containing the  
35 perspective of that industry segment. The legislature requests that  
36 these reports shall be completed by December 15, 2003, with a copy to  
37 be delivered to the director of the department of agriculture and to  
38 the appropriate standing committees of the senate and the house of

1 representatives with jurisdiction over agricultural issues. These  
2 legislative committees may schedule interim committee meetings to  
3 obtain progress reports for activities being conducted under this  
4 section.

5 NEW SECTION. **Sec. 3.** (1) Each commission merchant that received  
6 apples imported into the United States between January 1, 2002, and  
7 November 30, 2002, shall report to the department of agriculture by  
8 December 15, 2002. The report shall include the volume of each variety  
9 of imported apples that was received by and packed and sold by the  
10 commission merchant.

11 (2) The department of agriculture shall compile the information, in  
12 the aggregate, and provide a report to the secretary of the senate and  
13 the chief clerk of the house of representatives by December 31, 2002.

14 NEW SECTION. **Sec. 4.** A new section is added to chapter 42.17 RCW  
15 to read as follows:

16 The disclosure requirements of this chapter do not apply to  
17 information that can be identified to a particular business and that is  
18 collected under section 3(1), chapter . . ., Laws of 2002 (section 3(1)  
19 of this act).

Passed the House March 11, 2002.

Passed the Senate March 7, 2002.

Approved by the Governor March 28, 2002.

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