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**HOUSE BILL 2633**

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**State of Washington 64th Legislature 2016 Regular Session**

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

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

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

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

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

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

(2) By August 1, 2004, and by August 1st of each even-numbered year thereafter, the director shall review the balance ((~~of each of the district accounts~~)) in the fruit and vegetable inspection account at the end of the previous fiscal year. If the balance in the ((~~district~~)) account exceeds the sum of the following: An amount equal to the total expenditures of the ((~~district~~)) program served by that account for the last six months of that previous fiscal year; any budgeted capital expenditures from the account for the current fiscal year; and six hundred thousand dollars, the director shall temporarily and equally, on a percentage basis, reduce each of the fees accruing to the ((~~district~~)) account until such time that the ((~~district~~)) account has a balance equal to the amount of the total expenditures from the account for the last seven months of the previous fiscal year, at which time the fees shall be returned to the amounts before the temporary reduction. In making the reductions, the director shall attempt to reduce fees for a twelve‑month period so as to apply the reductions to as many of the persons who annually pay fees for services provided by the ((~~district~~)) program. The temporary fee reductions shall be initially provided through the adoption of emergency rules. The emergency and subsequent rules temporarily reducing the fees are exempt from the requirements of RCW 34.05.310 and chapter 19.85 RCW. These fees shall be reinstated through the expiration of the rules temporarily reducing them and the authority to reinstate them is hereby granted.

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

For the purpose of this chapter:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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