

ANALYSIS OF SB 5186

House Agriculture & Ecology Committee

April 1, 1999

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| <ul style="list-style-type: none">- Modifies the planting stock laws by granting the Director of Agriculture authorities to: require record-keeping; enter and inspect property, premises, and records; enter compliance agreements, publish names of participating growers, and require the notification of buyers regarding test failures; and withhold services in certain instances.- Repeals laws authorizing state crop improvement nurseries and a Northwest Nursery and replaces the Northwest Nursery Fund with an account in the Agricultural Local Fund. |
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BACKGROUND:

The planting stock laws authorize the Director of Agriculture to inspect, test, and certify registered, foundation, certified, or breeder planting stock. The Director is also authorized to charge fees for these services and to adopt certain rules implementing the planting stock certification program. (RCW 15.14.020, .030, .070, and .100.) Samples taken of certified or registered planting stock must be planted and checked in a state crop improvement nursery and the results of these test plantings are to be made available to producers and growers of the stock. (RCW 15.14.070.)

The Director is authorized to acquire or receive property for state crop improvement nurseries. (RCW 15.14.040.) Agreements for testing vegetation valuable for soil conservation and agricultural land use are authorized for a Northwest Washington Nursery. (RCW 15.69.010.) A local fund, the Northwest Nursery Fund, has been created to receive the monies generated regarding the northwest nursery, collected from fees paid under the planting stock laws, and collected from fruit tree and fruit tree rootstock assessments under the state's horticulture laws. (RCW 15.13.470, 15.14.130 and 15.69.020 - .040.)

SUMMARY:

Entry; Failure to Comply or Make Payments. To carry out the planting stock laws, the Director

may enter at reasonable times and inspect any property or premises and inspect records required under those laws. If access is denied, the Director may apply to court for a search warrant or may suspend, cancel or refuse certification or other approval of the planting stock. (Section 4.) The Director may also withhold services to growers of planting stock for refusing to comply with the planting stock laws or for failing to make payments owed to the Department of Agriculture or for nonpayment of assessments of any commodity commission. (Section 13.)

Compliance Agreements; Failure to Meet Requirements; Late Fee. The Director may enter compliance agreements with the growers of planting stock, and may suspend, cancel or refuse certification or approval of planting stock that fails to meet certification requirements. A person receiving a notice to suspend, cancel, or refuse any approval or to suspend or cancel a compliance agreement may request a hearing. (Sections 5 and 10.) A late fee of 1.5% per month is assessed on late payments. (Section 12.)

Record-keeping; Publication of Names of Participating Growers; Notice of Test Failures; Micro propagated Plants. The Director is authorized to establish record-keeping requirements under the planting stock laws, to publish the names of growers participating in certification programs and inspection results, and to require growers participating in certification programs to notify purchasers of planting stock when post harvest inspections or tests show that the planting stock failed to meet minimum standards for certification. (Sections 2(9), 3(3), and 3(4).) The Director may establish rules regarding the production, utilization, and testing of micro propagated plants for planting stock (these are plants propagated using aseptic laboratory techniques and an artificial culture medium). (Sections 1(5) and 2(10).) The Director may also adopt rules for testing planting stock and establishing fees for these tests; test plantings of samples takes are no longer required at state crop improvement nurseries. (Section 2(5), 2(11), and 3(2).)

Additional Express Authority. The Director is given express authority: for establishing tolerances for planting stock that is diseased, infected with plant pests, defective, or off-type; for excluding or removing diseased, pest infected, defective, or off-type plants from planting stock; and for cultivation and sanitation practices. (Section 2(2), (6) and (8).) The Director's authority under the planting stock laws is more uniformly and expressly applied to foundation, registered and certified planting stock. (Sections 2, 3 and 6.)

Repealed Provisions. Agricultural and vegetable seeds regulated under the Seed Act are no longer exempt from regulation as planting stock under the planting stock laws. (Section 1(7).) The authority of the Director to acquire or receive real and other property to be used as state crop improvement nurseries and to distribute any surplus stock is repealed; however the Director retains the authority to acquire property by gift, grant or endowment for the benefit of the planting stock laws and to acquire, propagate and distribute planting stock to producers and growers. (Sections 6, 9 and 17(2).) A statute is repealed that authorizes the use of a Northwest Washington Nursery located near Bellingham for growing and testing vegetation valuable for soil conservation and proper agricultural land use. (Section 17(5).) Also repealed are statutes creating a Northwest Nursery Fund, authorizing expenditures from the Fund, and dedicating payments and collections to it. (Section 17(6) - (8).) The Fund is replaced by a Planting Stock Certification Account within the Agricultural Local Fund. (Sections 14 - 16.) Also repealed is a requirement that a propagator's plant materials be under the Director's observation for at least one year before being certified as foundation or breeder planting stock. (Section 7.)