

**SENATE BILL REPORT**

**ESB 5378**

**AS PASSED SENATE, MARCH 4, 1993**

**Brief Description:** Modifying the regulation of horticultural plants and facilities.

**SPONSORS:** Senators M. Rasmussen, Barr, Loveland and Winsley; by request of Department of Agriculture

**SENATE COMMITTEE ON AGRICULTURE**

**Majority Report:** Do pass as amended.

Signed by Senators M. Rasmussen, Chairman; Loveland, Vice Chairman; Anderson, Barr, Bauer, Newhouse, and Snyder.

**Staff:** Bob Lee (786-7404)

**Hearing Dates:** February 4, 1993

**BACKGROUND:**

The Department of Agriculture administers statutes relating to the licensing and assessment of nursery dealers and the inspection and possible condemnation of infested or diseased plants. Changes to these statutes are requested to update and clarify licensing, disease inspection and rule-making authorities.

**SUMMARY:**

It is clarified that the definition of horticultural plant includes cuttings, budsticks, scion wood and similar plant parts used for propagative purposes. The term "turf" is defined.

The director is authorized to adopt rules prescribing minimum informational requirements for advertising the sale of horticultural plants.

A farmers market duly registered with the state is allowed to be covered under one license as an alternative to licensing each individual producer who sells plants at that farmers market.

If the department is refused access to a nursery dealer's premises, the department may apply for a search warrant from a court of competent jurisdiction. Denial of access to the department to perform inspections may subject the nursery dealer to the revocation of his or her nursery license.

The requirements that horticultural plants offered for retail sale have tags with the common name, botanical name and variety, and a color picture of the plant are deleted. Also

deleted is the requirement that a patented plant or a plant produced under a grower agreement be noted on the tag. The director must establish by rule the marking and tagging requirements for the several categories of plants.

The issuance of hold orders on horticultural plants that are infested or infected may be appealed pursuant to the procedures of the Administrative Procedure Act.

**Appropriation:** none

**Revenue:** none

**Fiscal Note:** none requested

**TESTIMONY FOR:**

A statutory standard of zero infestation of pests or diseases in plants is not practical and consistency with federal regulatory standards is needed. Establishing a requirement that only the farmers market obtain a nursery license instead of each farmer helps reduce the regulatory burden on small farmers.

**TESTIMONY AGAINST:** None

**TESTIFIED:** William E. Brookreson, Washington State Department of Agriculture (pro); Steve McGonigel, Washington State Nursery and Landscape Association (pro)