
SUBSTITUTE HOUSE BILL 2062

State of Washington

55th Legislature

1997 Regular Session

By House Committee on Agriculture & Ecology (originally sponsored by Representatives Linville, Chandler, Gardner, Mastin and Grant)

Read first time 03/05/97.

1 AN ACT Relating to seed crop standards; amending RCW 15.66.010,
2 15.66.030, and 15.66.140; and declaring an emergency.

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

4 **Sec. 1.** RCW 15.66.010 and 1993 c 80 s 3 are each amended to read
5 as follows:

6 For the purposes of this chapter:

7 (1) "Director" means the director of agriculture of the state of
8 Washington or any qualified person or persons designated by the
9 director of agriculture to act for him concerning some matter under
10 this chapter.

11 (2) "Department" means the department of agriculture of the state
12 of Washington.

13 (3) "Marketing order" means an order issued by the director
14 pursuant to this chapter.

15 (4) "Agricultural commodity" means llamas, alpacas, or any other
16 animal or any distinctive type of agricultural, horticultural,
17 viticultural, vegetable, and/or animal product, including, but not
18 limited to, products qualifying as organic food products under chapter
19 15.86 RCW and private sector cultured aquatic products as defined in

1 RCW 15.85.020 and other fish and fish products, within its natural or
2 processed state, including bees and honey and Christmas trees but not
3 including timber or timber products. The director is authorized to
4 determine what kinds, types or subtypes should be classed together as
5 an agricultural commodity for the purposes of this chapter.

6 (5) "Producer" means any person engaged in the business of
7 producing or causing to be produced for market in commercial quantities
8 any agricultural commodity. For the purposes of RCW 15.66.060,
9 15.66.090, and 15.66.120, as now or hereafter amended "producer" shall
10 include bailees who contract to produce or grow any agricultural
11 product on behalf of a bailor who retains title to the seed and its
12 resulting agricultural product or the agricultural product delivered
13 for further production or increase.

14 (6) "Affected producer" means any producer of an affected
15 commodity.

16 (7) "Affected commodity" means any agricultural commodity for which
17 the director has established a list of producers pursuant to RCW
18 15.66.060.

19 (8) "Commodity commission" or "commission" means a commission
20 formed to carry out the purposes of this chapter under a particular
21 marketing order concerning an affected commodity.

22 (9) "Unit" means a unit of volume, quantity or other measure in
23 which an agricultural commodity is commonly measured.

24 (10) "Unfair trade practice" means any practice which is unlawful
25 or prohibited under the laws of the state of Washington including but
26 not limited to Titles 15, 16 and 69 RCW and chapters 9.16, 19.77,
27 19.80, 19.84, and 19.83 RCW, or any practice, whether concerning
28 interstate or intrastate commerce that is unlawful under the provisions
29 of the act of Congress of the United States, September 26, 1914,
30 chapter 311, section 5, 38 U.S. Statutes at Large 719 as amended, known
31 as the "Federal Trade Commission Act of 1914", or the violation of or
32 failure accurately to label as to grades and standards in accordance
33 with any lawfully established grades or standards or labels.

34 (11) "Person" includes any individual, firm, corporation, trust,
35 association, partnership, society, or any other organization of
36 individuals.

37 (12) "Cooperative association" means any incorporated or
38 unincorporated association of producers which conforms to the
39 qualifications set out in the act of Congress of the United States,

1 Feb. 18, 1922, chapter 57, sections 1 and 2, 42 U.S. Statutes at Large
2 388 as amended, known as the "Capper-Volstead Act" and which is engaged
3 in making collective sales or in marketing any agricultural commodity
4 or product thereof or in rendering service for or advancing the
5 interests of the producers of such commodity on a nonprofit cooperative
6 basis.

7 (13) "Member of a cooperative association" or "member" means any
8 producer of an agricultural commodity who markets his product through
9 such cooperative association and who is a voting stockholder of or has
10 a vote in the control of or is under a marketing agreement with such
11 cooperative association with respect to such product.

12 (14) "Seed crop" means grass, forage, cereal, oil, fiber, seed
13 potato, and other kinds of crop seed commonly recognized within this
14 state as agricultural seeds that are the subject of a marketing order
15 issued by the director under this chapter.

16 **Sec. 2.** RCW 15.66.030 and 1961 c 11 s 15.66.030 are each amended
17 to read as follows:

18 Marketing orders may be made for any one or more of the following
19 purposes:

20 (1) To establish plans and conduct programs for advertising and
21 sales promotion, to maintain present markets or to create new or larger
22 markets for any agricultural commodity grown in the state of
23 Washington;

24 (2) To provide for carrying on research studies to find more
25 efficient methods of production, processing, handling and marketing of
26 any agricultural commodity;

27 (3) To provide for improving standards and grades by defining,
28 establishing and providing labeling requirements with respect to the
29 same;

30 (4) To investigate and take necessary action to prevent unfair
31 trade practices; and

32 (5) To maintain seed purity and availability by establishing
33 appropriate standards for sanitation and geographic isolation.

34 **Sec. 3.** RCW 15.66.140 and 1985 c 261 s 20 are each amended to read
35 as follows:

1 Every marketing commission shall have such powers and duties in
2 accordance with provisions of this chapter as may be provided in the
3 marketing order and shall have the following powers and duties:

4 (1) To elect a chairman and such other officers as determined
5 advisable;

6 (2) To adopt, rescind and amend rules and regulations reasonably
7 necessary for the administration and operation of the commission and
8 the enforcement of its duties under the marketing order;

9 (3) To administer, enforce, direct and control the provisions of
10 the marketing order and of this chapter relating thereto;

11 (4) To employ and discharge at its discretion such administrators
12 and additional personnel, attorneys, advertising and research agencies
13 and other persons and firms that it may deem appropriate and pay
14 compensation to the same;

15 (5) To acquire personal property and lease office space and other
16 necessary real property and transfer and convey the same;

17 (6) To institute and maintain in its own name any and all legal
18 actions, including actions by injunction, mandatory injunction or civil
19 recovery, or proceedings before administrative tribunals or other
20 governmental authorities necessary to carry out the provisions of this
21 chapter and of the marketing order;

22 (7) To keep accurate records of all its receipts and disbursements,
23 which records shall be open to inspection and audit by the state
24 auditor at least every five years;

25 (8) Borrow money and incur indebtedness;

26 (9) Make necessary disbursements for routine operating expenses;

27 (10) To expend funds for commodity-related education, training, and
28 leadership programs as each commission deems expedient;

29 (11) To adopt, rescind, amend, and enforce rules necessary to
30 ensure seed quality and purity through proper isolation between seed
31 crops and other crops susceptible to cross-pollination or infection
32 with diseases known to infect the seed crop. The rules may provide for
33 the creation of a specific geographical area where the production of
34 other crops susceptible to cross-pollination or infection with diseases
35 known to infect the seed crop are restricted; and

36 (12) Such other powers and duties that are necessary to carry out
37 the purposes of this chapter.

1 NEW SECTION. **Sec. 4.** This act is necessary for the immediate
2 preservation of the public peace, health, or safety, or support of the
3 state government and its existing public institutions, and takes effect
4 immediately.

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