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HOUSE BILL 2062

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State of Washington

55th Legislature

1997 Regular Session

By Representatives Linville, Chandler, Gardner, Mastin and Grant

Read first time 02/19/97. Referred to Committee on Agriculture & Ecology.

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

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.

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