

CHAPTER 195.

[H. B. 230.]

AMENDMENTS OF ACT FOR PROTECTION OF
HORTICULTURE.

AN ACT relating to horticulture and horticultural plants and products and the protection thereof and amending sections 2, 10, 7, 13, 16 and 29 of chapter 166 of the Laws of 1915.

Be it enacted by the Legislature of the State of Washington:

SECTION 1. That section 2 of chapter 166 of the Laws of 1915 be amended to read as follows:

Section 2. The commissioner of agriculture shall have the power and it shall be his duty:

Powers and duties of commissioner of agriculture.

(a) To exercise a general supervisory and directory control over the horticultural interests of the state;

(b) To arrange for and hold meetings for the discussion and dissemination of information as to horticultural subjects and for the demonstration of methods of preventing diseases of and pests injurious to horticultural plants, fruits and vegetables, and of curing and removing the same;

(c) To publish and distribute circulars and reports upon horticultural subjects, the pests affecting and the diseases of fruit trees, vines or bushes, ornamental trees or shrubbery, horticultural plants, fruits, vegetables and nursery stock, and the means and methods of controlling, curing, removing, eradicating, and disinfecting for such diseases and pests;

(d) To issue licenses to nurserymen and dealers in nursery stock and their agents, salesmen and solicitors and revoke the same for violation of or failure to comply with this act, and to keep in his office a record of all licenses issued, showing the character of the license, name and address of the

holder, the date of issue and the date of expiration or revocation;

(e) To furnish to the board of county commissioners of each county, annually, on or before September 1, an estimate of the expenses for the ensuing year of inspecting and disinfecting orchards, vineyard(s), berry farms, vegetable farms and nurseries, fruit trees, vines or bushes, ornamental trees or shrubbery, horticultural plants, fruit, fruit products, vegetables, and packing houses, ware-houses, dryhouses, storerooms, depots, docks and other places where fruits, vegetables or nursery stock are grown, packed, stored, shipped or held for shipment or delivery or offered for sale within said county.

(f) To appoint inspectors to enforce and carry out the provisions of this act, which inspectors may be of two classes, inspectors at large and local inspectors: *Provided*, that not more than twenty inspectors at large shall be appointed.

(g) The commissioner may also in his discretion appoint any officer or member of any local fruit protective association to act as inspector, vested with power only to enter premises and inspect orchards and report to the inspector-at-large. Such inspectors shall receive no compensation for services and shall not be required to take the regular examination required of inspectors-at-large and local inspectors.

(h) To make, adopt, issue and publish from time to time and enforce general rules and regulations governing the grading, packing, and the size and dimensions of commercial containers of apples and other fruit.

(i) To formulate, promulgate and enforce regulations fixing commercial grades of potatoes, and providing for the inspection of the same for either

market or seed purposes, and furnishing of certificates of inspection.

The commissioner of agriculture, and under his direction and control the assistant commissioner and the horticultural inspectors, shall have the power and it shall be their duty:

Duties and powers of horticultural inspectors.

(a) To enforce the provisions of this act and all laws relating to horticultural interests.

(b) To inspect orchards, vineyards, berry farms, vegetable farms, nurseries, fruit trees, vines or bushes, ornamental trees or shrubbery, horticultural plants, fruits, vegetables, nursery stock and horticultural supplies, and packing houses, dry houses, warehouses, store rooms, depots, docks, cars, vessels, and other places where fruits, vegetables or nursery stock are packed, stored, shipped, or held for shipment or delivery or offered for sale, and other property liable to be infected with any disease or pest injurious to horticulture, and to require the disinfection of all such property and premises found to be infected and for that purpose shall have free access to such property and premises at all times.

(c) To inspect and examine orchards, vineyards, nurseries, berry farms, vegetable farms, fruits, vegetables, nursery stock and all other horticultural plants and products, at the request of the owner thereof for the purpose of discovering the existence of any disease or pest, and to report to the applicant the result of such investigation and prescribe proper remedies;

(d) To disinfect orchards, vineyards, berry farms, nurseries, fruit trees, vines and bushes, ornamental trees and shrubbery, horticultural plants, fruits, vegetables and nursery stock and packing houses, dry houses, warehouses, store-rooms, depots, docks, cars, vessels and other places where nursery stock, fruits, or vegetables are packed,

stored or shipped or held for shipment or delivery, or offered for sale, in case the owner or person having the same in charge shall neglect or refuse so to do, after notice; and in case any infected fruit trees, vines or bushes, ornamental trees or shrubbery, horticultural plants, fruits, vegetables or nursery stock cannot be successfully disinfected to condemn and destroy the same or cause the same to be destroyed.

(e) To require all partially infected fruit, vegetable and nursery stock shipments to be sorted and repacked and, in case the owner or person having charge of the same shall neglect or refuse so to do after notice, to condemn and destroy the same;

(f) To issue certificates of inspection to licensed nurserymen and dealers in nursery stock, on stock inspected and approved.

SEC. 2. That section 7 of chapter 166 of the Laws of 1915 be amended to read as follows:

Section 7. It shall be unlawful for any person to offer for sale in the state of Washington any horticultural insecticide or fungicide which is adulterated or misbranded within the meaning of this act. The term "insecticide" as used in this act shall include any substance or mixture of substances intended to be used for preventing, destroying, repelling, or mitigating any insects which may infest vegetation. The term "Paris green" as used in this act shall include the product sold in commerce as Paris green and chemically known as the acetoarsenite of copper. The term "lead arsenate" as used in this act shall include the product or products sold in commerce as lead arsenate and consisting chemically of products derived from arsenic acid (H_3AsO_4) by replacing one or more hydrogen atoms by lead. That the term "fungicide" as used in this act shall include any substance or mixture of substances intended to be used for preventing, destroying, repelling or mitigating any and all fungi

Insecticides
and fungi-
cides, adul-
teration pro-
hibited.

that may infect vegetation or be present in any environment whatsoever.

It shall be unlawful for any manufacturer, firm, corporation or person to sell, offer or expose for sale in this state, any insecticide, fungicide, or any materials to be used for preventing, destroying, repelling or mitigating insects, fungi, bacteria or other plant pests, unless such material shall have affixed to each and every package or container, in a conspicuous place on the outside thereof, a plainly printed statement as follows:

Labels required on packages for sale.

(1) The name, brand or trade mark under which it is sold.

(2) The purpose for which it is to be used.

(3) Direction for its application.

(4) The name and principal address of the manufacturer or person responsible for placing the commodity on the market.

(5) The net weight of the contents of the package.

(6) The correct statement of the character and name of each insecticidal or fungicidal ingredient used and the minimum per centum of such active ingredients and the maximum per centum of the inert ingredients contained in the package.

SEC. 21½. That section 10 of chapter 166 of the Laws of 1915 be amended to read as follows:

Section 10. In case the officer making the inspection provided for in the preceding section shall find that the premises or property inspected is infected, he shall condemn the same and serve upon the owner or upon the person having possession or charge of said premises or of said property a notice in writing that the same is condemned and ordering the disinfection of any and all thereof which is capable of disinfection and the destruction of such property as is incapable of disinfection, which notice shall describe the premises or property ordered to be disin-

Infected premises.

Notice to disinfect or destroy.

fectured or destroyed with reasonable certainty and shall specify the time within which the same shall be so disinfected or destroyed; and shall give notice that unless the premises or property ordered disinfected or destroyed is disinfected or destroyed as directed, in the manner and within the time specified in said notice, the same will be done by the officer giving the notice and the expense thereof charged against the premises and the owner of said premises or property. In case said premises or property is in the possession or charge of any person upon whom service can be made, the officer making the inspection shall serve a copy of such notice upon such person and, in case the premises or property is in possession or charge of any other person than the owner thereof, or service cannot be had upon any person in possession or charge thereof, the officer shall serve said notice upon the owner of said premises or property by mailing or telegraphing him a copy thereof, if his home or postoffice address are known to the officer or can with reasonable diligence be ascertained. In case personal service of said notice cannot be had upon any person in possession or charge of said premises or property and the name and address of the owner of such premises or property are not known and cannot with reasonable diligence be ascertained, said notice shall be served by posting the same in a conspicuous place upon the premises where the property to be disinfected or destroyed is situated, as the case may be. In case the name and postoffice address of the owner are not known and cannot with reasonable diligence be ascertained and in the absence of fraud and gross neglect, service of such notice upon the person in possession or charge of said premises or property shall be construed to be substituted personal service upon the owner, and, in case service of such notice upon a person in possession or charge of such premises

or property cannot be had and the name and post-office address of the owner is not known and cannot with reasonable diligence be ascertained and in the absence of fraud and gross neglect, such posting of the notice upon the premises shall be construed to be constructive personal service upon the owner of such premises or property. Upon the giving of such notice as hereinabove provided it shall become and be the duty of the owner and person having possession or charge of the premises or property described in the notice to, within the time specified in said notice, disinfect said premises or disinfect or destroy said property, as the case may be: *Provided*, that in the case of nursery stock, fruit or vegetables about to be shipped or any shipment thereof, or which is offered for sale, or held for the purpose of delivery upon any shipment or sale thereof, if the officer making the inspection shall find that only a part thereof is so affected that it cannot be successfully disinfected, he shall state in such notice that the owner or person in charge thereof has the privilege of separating the same into two or more of the following classes, to-wit, such as does not need disinfection, such as can be successfully disinfected, and such as cannot be successfully disinfected, and in such cases it shall be the duty of the owner and person in charge of such property to, within the time specified in said notice, disinfect such nursery stock, fruit or vegetables as can be successfully disinfected and destroy such as cannot be successfully disinfected: *And provided, further*, that in the case of fruit or vegetables that cannot be successfully disinfected the inspector may grant the owner or person in charge thereof the privilege of manufacturing the same into by-products or of shipping the same to a by-product factory and issue a permit in writing so to do, and in such case it shall be unlawful for the person receiving such permit to sell or dispose of such infected fruit without

Partly infected products, segregation.

By-products from infected fruit and vegetables.

Unlawful
sales or
shipments.

having first manufactured the same into a by-product or shipped the same to a by-product factory, or to divert any such shipment when made, and it shall be unlawful for the consignee of any fruit or vegetables shipped to a by-product factory, to sell or dispose of the same without first manufacturing it into a by-product. It shall be unlawful for any person to ship, deliver, sell, barter, give away or otherwise dispose of or part with the possession of, or for any common carrier to transport, any nursery stock, fruit or vegetable which has been found infected and condemned until all of the requirements of said notice and order have been complied with, and permission given in writing so to do by an inspector.

SEC. 3. That section 13 of chapter 166 of the Laws of 1915 be amended to read as follows:

Levy of
horticultural
tax.

Section 13. It shall be the duty of the board of county commissioners of each county at the time of making the regular annual tax levy in each year to include a tax upon the taxable property of such county in such an amount as they shall find will produce funds sufficient to meet the expense of inspecting and disinfecting orchards, vineyards, berry farms, vegetable farms, nurseries, fruit trees, vines or bushes, ornamental trees or shrubbery, horticultural plants, and packing houses, warehouses, dry houses, store-rooms, depots, docks and other places where fruits, vegetables or nursery stock are packed, stored, shipped or held for shipment or delivery or offered for sale within said county, which shall be inspected or disinfected by or under the direction of an inspector, which tax shall be known as the "Horticultural tax". In estimating the amount to be levied for such horticultural tax, the county commissioners shall take into consideration the expense of inspecting and disinfecting the above mentioned property within said county for the en-

suing year and the amount that will be collected from levies on property disinfected as in this act provided. The horticultural tax shall be levied and collected in the same manner as other general taxes and when collected shall, together with all sums collected by local inspectors for inspecting, and inspecting and disinfecting, such property within the county, be placed in the current expense fund of said county. Until the collection by any county of the taxes to be levied under the provisions of this section at the next annual tax levy after the taking effect of this act, the county commissioners of such county are authorized and empowered to cause to be paid, by warrants drawn upon the current expense fund of such county, all expenses for inspecting and disinfecting premises or property within said county properly chargeable to such county under the provisions of this act, and all expenditures made from and warrants drawn upon the current expense fund of any county by order of the board of county commissioners of such county, subsequent to the repeal of section 3133 of Rem. & Bal. Code and prior to the passage of this act for the purpose of paying the cost and expenses of inspecting or disinfecting the premises or property in such county as provided in this act, are hereby validated.

SEC. 4. That section 29 of chapter 166 of the Laws of 1915 be amended to read as follows:

Section 29. It shall be the duty of every horticultural inspector upon the inspection of any nursery stock, fruit or vegetables found free from diseases and pests, to deliver to the owner or person in charge thereof a certificate of inspection over his signature, showing the date of inspection and stating that such nursery stock, fruit or vegetables were not infected, which certificate in case inspection be made at the initial point of shipment or at such place within a reasonable distance as requested

Inspection
certificates.

by the shipper shall be in triplicate form and it shall be unlawful for any person to substitute for any such nursery stock, fruit or vegetables not covered by said certificate, or to ship, sell or dispose of any other nursery stock, fruit or vegetables than that actually inspected and approved under such certificate of inspection: *Provided*, that the inspector may issue certificates of general inspection for shipment to points within this state in addition to the regular certificates of inspection.

Passed the House March 9, 1919.

Passed the Senate March 11, 1919.

Approved by the Governor March 21, 1919.

CHAPTER 196.

[S. B. 218.]

FIREMEN'S RELIEF AND PENSION FUND.

AN ACT relating to the Firemen's Relief and Pension Fund, in the several incorporated cities and towns, of the State of Washington; providing for the maintenance and distribution thereof, and repealing all acts or parts of acts in conflict herewith.

Be it enacted by the Legislature of the State of Washington:

SECTION 1. The mayor, clerk or comptroller and three members of the common council of every incorporated city or town in the State of Washington, who, in addition to the duties now required of them, are hereby created and constituted, together with six (6) members from the fire department of such city or town, a board of trustees of the "Firemen's Relief and Pension Fund" of the fire department of such incorporated city or town, and shall provide for the disbursement of such relief and pension fund, and shall designate the beneficiaries thereof, as hereinafter directed, which board shall be known