

CHAPTER 51.

[H. B. 51.]

SOFT TREE FRUITS—WASHINGTON STATE FRUIT COMMISSION.

AN ACT relating to agriculture and marketing; and amending sections 15.28.010, 15.28.060, 15.28.160 and 15.28.180, chapter 11, Laws of 1961 and RCW 15.28.010, 15.28.060, 15.28.160 and 15.28.180.

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

RCW 15.28.010 amended.

SECTION 1. Section 15.28.010, chapter 11, Laws of 1961 and RCW 15.28.010 are each amended to read as follows:

Soft tree fruits. Definitions.

As used in this chapter:

(1) "Commission" means the Washington state fruit commission.

(2) "Shipment" or "shipped" includes loading in a conveyance to be transported to market for resale, and includes delivery to a processor or processing plant, but does not include movement from the orchard where grown to a packing or storage plant within this state for fresh shipment;

(3) "Handler" means any person who ships or initiates the shipping operation, whether as owner, agent or otherwise;

(4) "Dealer" means any person who handles, ships, buys, or sells soft tree fruits other than those grown by him, or who acts as sales or purchasing agent, broker, or factor of soft tree fruits;

(5) "Processor" or "processing plant" includes every person or plant receiving soft tree fruits for the purpose of drying, dehydrating, canning, pressing, powdering, extracting, cooking, quick-freezing, brining, or for use in manufacturing a product;

(6) "Soft tree fruits" means Bartlett pears and all varieties of cherries, apricots, prunes, plums and peaches. "Bartlett pears" means and includes all

standard Bartlett pears and all varieties, strains, sub-varieties, and sport varieties of Bartlett pears including Red Bartlett pears, that are harvested and utilized at approximately the same time and approximately in the same manner.

(7) "Commercial fruit" or "commercial grade" means soft tree fruits meeting the requirements of any established or recognized fresh fruit or processing grade. Fruit bought or sold on orchard run basis and not subject to cull weighback shall be deemed to be "commercial fruit."

(8) "Cull grade" means fruit of lower than commercial grade except when such fruit included with commercial fruit does not exceed the permissible tolerance permitted in a commercial grade;

(9) "Producer" means any person who is a grower of any soft tree fruit;

(10) "District No. 1" or "first district" includes the counties of Chelan, Okanogan, Grant, Douglas, Ferry, Stevens, Pend Oreille, Spokane and Lincoln;

(11) "District No. 2" or "second district" includes the counties of Kittitas, Yakima, Benton, Franklin, Walla Walla, Columbia, Asotin, Garfield, Whitman and Adams;

(12) "District No. 3" or "third district" comprises all of the state not included in the first and second districts.

SEC. 2. Section 15.28.060, chapter 11, Laws of 1961 and RCW 15.28.060 are each amended to read as follows:

RCW 15.28.060 amended.

Commissioners shall be elected by a majority vote of the qualified growers, dealers, or processors present at their respective district meetings called by the director for this purpose. The name of any qualified person may be placed before the respective meetings by oral nomination. After nominations are closed a secret written ballot shall be taken. Each qualified grower, dealer, or processor present shall

District meetings for elections.

be entitled to one vote for each position for his respective group to be filled at said election. If a nominee does not receive a majority of the votes on the first ballot, a run-off election shall be held between the candidates receiving the largest number of votes, with two candidates for each position not filled. If more than one position is to be filled at any election, the first candidate elected, or if elected on the same ballot, the candidate receiving the largest number of votes, shall be declared elected to the position with the longest term.

In the event there are two or less processors in any of said three districts, the processor member of the commission for such district shall be elected at a meeting of all processors of the state, which shall be called by the director at times and places fixed by the commission as hereinafter provided, and such elected member of the commission need not be a resident of such district.

RCW 15.28.160
amended.

SEC. 3. Section 15.28.160, chapter 11, Laws of 1961 and RCW 15.28.160 are each amended to read as follows:

Soft tree fruits.
Annual assess-
ment—Rate—
Exception.

An annual assessment is hereby levied upon all commercial soft tree fruits grown in this state of fifty cents per two thousand pounds (net weight) of said fruits, when shipped fresh or delivered to processors, whether in bulk, loose in containers, or packaged in any style of package, except, that all sales of five hundred pounds or less of such fruits sold by the producer direct to the consumer shall be exempt from said assessments. Sweet cherries which are brined are deemed to be commercial soft tree fruit and therefore assessable hereunder.

RCW 15.28.180
amended.

SEC. 4. Section 15.28.180, chapter 11, Laws of 1961 and RCW 15.28.180 are each amended to read as follows:

Assessment in-
crease for a
fruit, classifi-
cation.

The same assessment shall be made for each soft tree fruit, except that if a two-thirds majority of

the state commodity committee of any fruit recommends in writing the levy of an additional assessment on such fruit, or any classification thereof, for any year or years, the commission may levy such assessment for such year or years up to the maximum of two dollars for each two thousand pounds of any fruit except cherries or any classification thereof, as to which the assessment may be increased to a maximum of five dollars for each two thousand pounds, and except pears covered by this chapter as now or hereafter amended as to which the assessment may be increased to a maximum of three dollars for each two thousand pounds: *Provided,* ^{Proviso.} That no increase in such assessment shall become effective unless the same shall be first referred by the commission to a referendum by the Bartlett pear growers of the state and be approved by a majority of such growers voting thereon. The method and procedure of conducting such referendum shall be determined by the commission. Any funds so raised shall be expended solely for the purposes provided in this chapter and solely for such fruit, or classification thereof.

The commission shall have the authority in its discretion to exempt in whole or in part from future assessments hereunder, during such period as the commission may prescribe, any of the said soft tree fruits or any particular strain or classification thereof.

Passed the House February 19, 1963.

Passed the Senate March 11, 1963.

Approved by the Governor March 20, 1963.