

1959, and RCW 43.03.050 are each amended to read as follows:

Subsistence allowance for state officials and employees.

The heads of all state departments may prescribe per diem rates of allowance, not exceeding twelve dollars in lieu of subsistence and lodging to elective and appointive officials and state employees while engaged on official business away from their designated posts of duty, but within the state of Washington or an adjoining state, and not exceeding twenty dollars per day while engaged on official business elsewhere.

Passed the Senate March 4, 1961.

Passed the House March 9, 1961.

Approved by the Governor March 20, 1961.

CHAPTER 221.

[S. B. 287.]

HORTICULTURAL PLANTS.

AN ACT relating to horticultural plants; and providing penalties; and repealing sections 15.12.010 through 15.12.110, chapter 11, Laws of 1961 (House Bill No. 1), and RCW 15.12.010 through 15.12.110.

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

Definitions.

SECTION 1. For the purpose of this act:

"Department".

(1) "Department" means the department of agriculture of the state of Washington.

"Director".

(2) "Director" means the director of the department or his duly appointed representative.

"Person".

(3) "Person" means a natural person, individual, firm, partnership, corporation, company, society and association, and every officer, agent or employee thereof.

"Horticultural plant".

(4) "Horticultural plant" includes, but is not limited to, any horticultural, floricultural, viticultural, and olericultural plant, for planting, propagation or ornamentation growing or otherwise, and

any part of such horticultural plant used for reproduction or propagation purposes.

(5) "Horticultural facilities" means, but is not limited to, the premises where horticultural plants are grown, stored, handled or delivered for sale or transportation, and all vehicles and equipment, whether aerial or surface, used to transport such horticultural plants. "Horticultural facilities".

(6) "Plant pests" means, but is not limited to, any living stage of any insects, mites, nematodes, slugs, snails, protozoa, or other invertebrate animals, bacteria, fungi, other parasitic plants or reproductive parts thereof, viruses or any organisms similar to or allied with any of the foregoing, or any infectious substance, which can directly or indirectly injure or cause disease or damage in any plant or parts thereof, or any processed, manufactured, or other products of plants. "Plant pests".

(7) "Inspection and/or certification" means, but is not limited to, the inspection of any horticultural plants at any time prior to, during, or subsequent to harvest, by the director, and the issuance by him of a written certificate stating the grades, classifications, and if such horticultural plants are free of plant pests and in compliance with all the provisions of this act and rules adopted hereunder. "Inspection and/or certification".

(8) "Nurseryman" means any person who sells during any one licensed period more than two hundred fifty dollars worth of horticulture plants which he has grown. "Nurseryman".

(9) "Nurseryman dealer" means any person, who in addition to the horticultural plants which he has grown purchases horticultural plants for the purpose of resale. "Nurseryman dealer".

(10) "Nursery stock dealer" includes any person who does not grow horticultural plants, but who purchases, receives or handles horticultural plants, (1) for the purpose of sale, (2) for planting for "Nursery stock dealer".

another person, or to use as an inducement for the sale of another product.

“Agent”.

(11) “Agent” means a representative of any person licensed under this act who takes orders for horticultural plants, to be delivered at a later date, away from the location where such licensee is licensed to operate.

Horticultural
plant act.
Enforcement—
Rules and
regulations.

SEC. 2. The director shall enforce the provisions of this act and he may adopt any rule necessary to carry out its purpose and provisions.

(1) The director may adopt rules establishing grades and/or classifications for any horticultural plant and standard for such grades and/or classifications.

(2) The director may adopt rules for the inspection and/or certification of any horticultural plant as to variety, quality, size and freedom from plant pests.

Licenses
required—
Fees.

SEC. 3. On or after the effective date of this act no person shall act as a nurseryman, nurseryman dealer, or nursery stock dealer, without a license for each place of business, or as an agent without a license. Any person applying for such a license shall file an application with the director on or before July 1st of each year. Such application shall be accompanied by the following license fee:

- (1) Nurseryman, fifteen dollars,
- (2) Nurseryman dealer, twenty dollars,
- (3) Nursery stock dealer, fifteen dollars,
- (4) Agent, five dollars.

Any license provided for in this section shall expire on June 30th following issuance unless it has been revoked or suspended prior thereto by the director for cause.

License
application—
Contents.

SEC. 4. Application for a license shall be on a form prescribed by the director and shall include, (1) the full name of the person applying for such license and if the applicant is an individual, receiver,

trustee, firm, partnership, association or corporation, the full name of each member of the firm or partnership, or the names of the officers of the association or corporation shall be given in the application, (2) the principal business address of the applicant in the state and elsewhere, (3) the names of the persons authorized to receive and accept service of summons and legal notices of all kinds for the applicant, (4) any other necessary information prescribed by the director.

SEC. 5. Any person applying for an agent's license shall include the name and address of the principal licensee represented or sought to be represented by such agent and the written endorsement or nomination of such principal licensee.

Agent's
license,
requisites.

SEC. 6. Whenever another state allows any person licensed under the provisions of this act, except agents, to sell or deliver horticultural plants in such state, the director may enter into a reciprocal agreement with such state and accord like privileges to licensees licensed to sell horticultural plants in such state: *Provided*, That any person representing such licensee under such reciprocal agreement in this state shall obtain an agent's license from the director.

Reciprocal
agreements
authorized.

SEC. 7. The director may, whenever he determines that an applicant or licensee has violated any provisions of this act, and complying with the notice and a hearing requirement and all other provisions of chapter 34.04 RCW, as enacted or hereafter amended, concerning contested cases, deny, suspend or revoke any license issued or which may be issued under the provisions of this act.

Director may
deny, suspend
or revoke
license.

SEC. 8. The director may issue subpoenas to compel the attendance of witnesses and/or production of books, documents, and records in any hearing in the county where the person licensed under this

Director may
issue
subpoenas.

Witness fees.

act resides affecting the authority or privilege granted by a license issued under the provisions of this act. Witnesses, except complaining witnesses, shall be entitled to fees for attendance and travel as provided for in chapter 2.40 RCW as enacted or hereafter amended.

Inspection request.

SEC. 9. Any person licensed under the provisions of this act may request, upon the payment of actual costs to the department as prescribed by the director, the services of a horticultural inspector at such licensee's place of business or point of shipment during the shipping season. Subsequent to inspection such horticultural inspector shall issue to such licensee a certificate of inspection in triplicate signed by him covering any horticultural plants which he finds not to be infected with plant pests and in compliance with the provisions of this act and rules adopted hereunder.

Certificate of inspection.

Shipments, transactions, within state, inspection required.

SEC. 10. In order to detect, control, and prevent the spread of plant pests and diseases no person shall sell, offer for sale or ship or transport any horticultural plant in this state unless it has been inspected and a certificate stating that such horticultural plant is free of plant pests and meets the requirements of this act and rules adopted hereunder has been issued by the director. Such inspection shall be conducted within a reasonable time prior to the time such horticultural plant is sold or shipped or transported: *Provided*, That if such horticultural plant subsequent to such inspection becomes infected with plant pests or does not otherwise meet the requirements of this act it shall not be sold, offered for sale or shipped or transported.

Shipments into state, inspection required.

SEC. 11. It shall be unlawful for any person to ship or deliver any horticultural plants into this state unless they have been inspected by the director at the point of entry into this state or at a point in this state prescribed by the director and he has

issued a certificate of inspection stating that such horticultural plants are free of plant pests and meet the requirements of this act and rules adopted hereunder. Subsequent to such inspection by the director any such shipment of horticultural plants shall be accompanied by such certificate of inspection issued by the director.

SEC. 12. The container in which any horticultural plant is placed or packed for the purpose of sale, or to be held for sale, offered for sale or shipment shall be plainly marked on the outside or the contents of the container shall be tagged with the following information:

Containers to be marked.

- (1) The kind of horticultural plant.
- (2) Where the horticultural plant was grown.
- (3) Any other necessary information prescribed, by rule, by the director.

The director may, whenever he finds that any such container is not properly marked, order it off sale until it is properly marked, or order that it be returned to the consignor for proper marking.

SEC. 13. It shall be unlawful for any person:

Unlawful acts enumerated.

(1) To falsely represent that he is the agent or representative of any nurseryman or dealer in horticultural plants.

(2) To deceive or defraud another in the sale of horticultural plants by substituting inferior or different grades from those ordered.

(3) To bring into this state any horticultural plants infected with plant pests, or to sell, offer for sale, hold for sale, distribute, ship or deliver any horticultural plants infected with plant pests.

(4) To sell, offer for sale, hold for sale, solicit orders for or distribute horticultural plants by any method which has the capacity and tendency or effect of deceiving any purchaser or prospective purchaser as to the quantity, size, grade, kind, specie, age, maturity, condition, vigor, hardiness,

number of times transplanted, growth ability, growth characteristics, rate of growth or time required before flowering or fruiting, price, origin or place where grown, or in any other material respect.

(5) To make the following representations directly or indirectly, without limiting the effects of this section:

(a) That any horticultural plant has been propagated by grafting or bud selections methods, when such is not the fact.

(b) That any horticultural plant is healthy and will grow anywhere without the use of fertilizer, or will survive and produce without special care, when such is not a fact.

(c) That any horticultural plant blooms the year around, or will bear an extraordinary number of blooms of unusual size or quality, when such is not a fact.

(d) That any horticultural plant is a new variety, when in fact it is a standard variety to which the person who is selling or holding such horticultural plant for sale has given a new name.

(e) That any horticultural plant cannot be purchased through usual outlets, or that limited stocks are available, when such is not the fact.

(f) That any horticultural plant offered for sale will be delivered in time for the next, or any specified, seasonal planting when the seller is aware of factors which make such delivery improbable.

(g) That the appearance of any horticultural plant is normal or usual when the appearance so represented is in fact abnormal or unusual.

(h) That the root system of any horticultural plant is appreciably larger than that which actually exists, whether accomplished by means of packaging, balling or otherwise.

(i) That bulblets are bulbs.

(j) That any horticultural plant is rare or an unusual item, when such is not the fact.

(6) To sell, offer for sale or hold for sale any horticultural plants, for which the director has established grades and/or classifications and standards for such grades and/or classifications, unless such horticultural plants have been graded and/or classified and meet the standards prescribed by the director for such grades and/or classifications.

(7) To substitute any other horticultural plant for a horticultural plant covered by an inspection certificate.

(8) To sell, offer for sale, or hold for sale any horticultural plant which is dead, in a dying condition, seriously broken, frozen or damaged, or abnormally potbound.

(9) To sell, offer for sale, or hold for sale as other than a native horticultural plant any such native horticultural plant within one year after its collection in its natural habitat unless it is conspicuously marked or labeled as a native horticultural plant.

SEC. 14. The director shall condemn any or all horticultural plants in a shipment or when any such horticultural plants are held for sale, or offered for sale and they are found to be dead, in a dying condition, seriously broken, damaged or frozen or abnormally potbound and shall order such horticultural plants to be destroyed. The director's order shall be final fifteen days after the date of issuance, unless within such time the superior court of the county where the condemnation occurred shall issue an order requiring the director to show cause why his order should not be stayed.

Condemnation
of plants
authorized,
order.

SEC. 15. The director may bring an action to enjoin the violation of any provision of this act or any rule adopted pursuant to this act in the superior court in the county in which such violation occurs, notwithstanding the existence of other remedies at law.

Injunctive
process
authorized.

Act cumulative and non-exclusive.

SEC. 16. The provisions of this act shall be cumulative and nonexclusive and shall not affect any other remedy.

Savings.

SEC. 17. The enactment of this act shall not have the effect of terminating, or in any way modifying any liability, civil or criminal, which shall already be in existence on the effective date of this act.

Rules saved —Chapter 34.04 RCW applicable.

SEC. 18. The repeal of chapter 15.12 RCW and the enactment of this act shall not be deemed to have repealed any rules adopted under the provisions of chapter 15.12 RCW and in effect immediately prior to such repeal and not inconsistent with the provisions of this act. For the purpose of this act it shall be deemed that such rules have been adopted under the provisions of this act pursuant to the provisions of chapter 34.04 RCW concerning the adoption of rules, and any amendment or repeal of such rules after the effective date of this act shall be subject to the provisions of chapter 34.04 RCW concerning the adoption of rules as enacted or hereafter amended.

General penalty.

SEC. 19. Any person violating the provisions of this act shall be guilty of a misdemeanor.

Disposition of fees.

SEC. 20. All license fees collected under the provisions of this act and the fees collected under the provisions of section 9 of this act shall be paid to the state treasurer to be deposited in the nursery inspection account in the state general fund as provided in RCW 43.79.330 to be used only for the enforcement of this act. All moneys collected under the provisions of chapter 15.12 RCW and remaining in such nursery inspection account on the effective date of this act shall be used for the enforcement of this act. All the moneys in such nursery inspection account shall be subject to the provisions of RCW 43.79.334.

SEC. 21. The director may cooperate with and enter into agreements with governmental agencies

of this state, other states and agencies of the federal government in order to carry out the purpose and provisions of this act. Cooperation with governmental agencies.

SEC. 22. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected. Severability.

SEC. 23. This act shall take effect on July 1st, 1961. Effective date.

SEC. 24. Sections 15.20.010 through 15.12.110, chapter 11, Laws of 1961 (House Bill No. 1), and RCW 15.12.010 through 15.12.110 are each hereby repealed. Repeal.

Passed the Senate March 8, 1961.

Passed the House March 7, 1961.

Approved by the Governor March 20, 1961.

CHAPTER 222.

[S. B. 354.]

SAVINGS AND LOAN ASSOCIATIONS.

AN ACT relating to savings and loan associations; amending sections 34, 51, 77 and 83, chapter 235, Laws of 1945 and RCW 33.12.050, 33.12.150, 33.28.020, and 33.32.040; amending section 57, chapter 235, Laws of 1945, as last amended by section 2, chapter 280, Laws of 1959, and RCW 33.12.130; and declaring an effective date.

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

SECTION 1. Section 34, chapter 235, Laws of 1945, and RCW 33.12.050 are each amended to read as follows: RCW 33.12.050 amended.

An association shall not borrow money or pledge, mortgage, or hypothecate any of its securities as collateral or security for the repayment of money borrowed except pursuant to a resolution adopted by Borrowing and pledging securities.