

NEW SECTION. Sec. 16. The following acts or parts of acts are each repealed:

(1) Section 1, chapter 4, Laws of 1974 ex. sess. and RCW 28B.80.130; and

(2) Section 2, chapter 4, Laws of 1974 ex. sess. and RCW 28B.80.140.

NEW SECTION. Sec. 17. Sections 2 through 9 of this act are each added to chapter 223, Laws of 1969 ex. sess. as a new chapter in Title 28B RCW.

NEW SECTION. Sec. 18. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1983.

Passed the Senate May 24, 1983.

Passed the House May 24, 1983.

Approved by the Governor June 14, 1983.

Filed in Office of Secretary of State June 14, 1983.

CHAPTER 73

[Engrossed Substitute Senate Bill No. 3864]

TREE FRUIT ASSESSMENTS—HORTICULTURAL ADVISORY COMMITTEE— INJUNCTIONS AGAINST NURSERY DEALERS

AN ACT Relating to agriculture; and amending section 15.28.180, chapter 11, Laws of 1961 as last amended by section 1, chapter 8, Laws of 1977 ex. sess. and RCW 15.28.180; amending section 4, chapter 33, Laws of 1971 ex. sess. as amended by section 20, chapter 182, Laws of 1982 and RCW 15.13.280; amending section 3, chapter 33, Laws of 1971 ex. sess. and RCW 15.13.270; amending section 7, chapter 33, Laws of 1971 ex. sess. and RCW 15.13.310; amending section 8, chapter 33, Laws of 1971 ex. sess. and RCW 15.13.320; adding new sections to chapter 15.13 RCW; and repealing section 9, chapter 33, Laws of 1971 ex. sess. and RCW 15.13.330.

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

Sec. 1. Section 15.28.180, chapter 11, Laws of 1961 as last amended by section 1, chapter 8, Laws of 1977 ex. sess. and RCW 15.28.180 are each amended to read as follows:

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))~~ that fruit, or any classification thereof, for any year or years, the commission may levy such assessment for ~~((such))~~ that year or years up to the maximum of ~~((six))~~ twelve 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 twenty 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 ~~((nine))~~

fourteen dollars for each two thousand pounds: PROVIDED, That no increase in ~~((such))~~ the assessment on pears ~~((shall))~~ becomes effective unless the ~~((same shall be))~~ increase is first referred by the commission to a referendum by the Bartlett pear growers of the state and ~~((be))~~ is approved by a majority of ~~((such))~~ the growers voting ~~((thereon))~~ on the referendum. The method and procedure of conducting ~~((such))~~ the 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))~~ has the authority in its discretion to exempt in whole or in part from future assessments ~~((hereunder))~~ under this chapter, during such period as the commission may prescribe, any of the ~~((said))~~ soft tree fruits or any particular strain or classification ~~((thereof))~~ of them.

Sec. 2. Section 3, chapter 33, Laws of 1971 ex. sess. and RCW 15.13.270 are each amended to read as follows:

The provisions of this chapter relating to licensing shall not apply to persons making casual or isolated sales or for each place of business where gross sales do not exceed five hundred dollars per year, nor to any garden club or charitable nonprofit association conducting not more than three sales per year for not more than four consecutive days each of horticultural plants as defined in RCW 15.13.250 and which are grown by or donated to its members: PROVIDED, That such club or association shall apply to the director for a permit to conduct such sale. A two dollar fee shall be assessed for such permit.

All horticultural plants sold under such a permit issued by the director shall be subject to all the other provisions of this chapter except licensing as set forth herein.

Sec. 3. Section 4, chapter 33, Laws of 1971 ex. sess. as amended by section 20, chapter 182, Laws of 1982 and RCW 15.13.280 are each amended to read as follows:

No person shall act as a nursery dealer without a license for each place of business where horticultural plants are sold. Any person applying for such a license shall apply through the master license system. Such application shall be accompanied by a license fee of ~~((twenty-five))~~ one hundred dollars, except there shall be no license fee for each place of business where gross sales do not exceed five hundred dollars per year. Such license shall expire on the master license expiration date unless it has been revoked or suspended prior thereto by the director for cause. Each such license shall be posted in a conspicuous place open to the public in the location for which it was issued.

Sec. 4. Section 7, chapter 33, Laws of 1971 ex. sess. and RCW 15.13.310 are each amended to read as follows:

(1) There is hereby levied an annual assessment of one percent on the gross sale price of the wholesale market value for all fruit trees, fruit tree seedlings, and fruit tree rootstock sold within the state or shipped from the state of Washington by any licensed nursery dealer during any license period, as set forth in this chapter: PROVIDED, That the director may subsequent to a hearing, on or after this chapter has been in effect for a period of two years, reduce such assessment to conform with the costs necessary to carry out the fruit tree certification and nursery improvement programs specified in RCW 15.13.470.

Such wholesale market price may be determined by the wholesale catalogue price of the seller of such fruit trees, fruit tree seedlings, or fruit tree rootstock or of the shipper moving such fruit trees, fruit tree seedlings, or fruit tree rootstock out of the state. If the seller or shipper do not have a catalogue, then such wholesale market price may be based on the actual selling price or an average wholesale market price. The director in determining such average wholesale market price may use catalogues of various businesses licensed under the provisions of this chapter or any other reasonable method.

(2) Such assessment shall be due and payable ~~((at the time the nursery dealer applies for a license or should have applied for a license as required in the provisions of this chapter))~~ on the first day of July of each year.

(3) The gross sale period shall be from July 1 to June 30 of the previous license period.

Sec. 5. Section 8, chapter 33, Laws of 1971 ex. sess. and RCW 15.13-.320 are each amended to read as follows:

An advisory committee is hereby established to advise the director in the administration of the fruit tree certification and nursery improvement program.

(1) The committee shall consist of ~~((three))~~ five fruit tree nurserymen ~~((; one pome fruit producer, and one stone fruit producer,))~~ and the director or his designated appointee.

(2) The director shall appoint this committee from ~~((the following recommendations: Three))~~ names ~~((are to be))~~ submitted ~~((for each position:))~~ by the Washington state nurserymen's association ~~((is to submit names for the fruit tree nurserymen positions. The Washington state horticultural association is to furnish the names for the pome fruit producer and the stone fruit producer))~~.

(3) The terms of the members of the committee shall be staggered and the members shall serve a term of three years and until their successor has been appointed and qualified ~~((: PROVIDED, That the first appointments to this committee beginning July 30, 1971, shall be for the following terms:~~

- (a) Position no. 1 ~~====~~ fruit tree nurseryman, three year term.
- (b) Position no. 3 ~~====~~ pome fruit producer, three year term.
- (c) Position no. 2 ~~====~~ fruit tree nurseryman, two year term.

(d) ~~Position no. 4—stone fruit producer, one year term;~~
 (e) ~~Position no. 5—fruit tree nurseryman, one year term~~)).

In the event a committee member resigns, is disqualified, or vacates his position on the committee for any other reason the vacancy shall be filled by the director under the provisions of this section governing appointments.

NEW SECTION. Sec. 6. There is added to chapter 15.13 RCW a new section to read as follows:

An advisory committee is hereby established to advise the director in the administration of this chapter.

(1) The committee shall consist of the following members: The president, or an appointee designated by the president, of (a) the Washington state floricultural association, (b) the Washington state bulb association, and (c) the Washington state nursery association; and the director or his designated appointee.

(2) The terms of the members of the committee shall be the same as the terms of the officers for the association set forth in subsection (1) of this section.

NEW SECTION. Sec. 7. There is added to chapter 15.13 RCW a new section to read as follows:

(1) The director is hereby authorized to apply to the superior court of Thurston county for a prompt hearing on, and such court shall have jurisdiction upon, and for cause shown the court shall, without proof that an adequate remedy at law does not exist, grant, a temporary or permanent injunction restraining any person from operating as a nursery dealer without a valid license.

(2) An order restraining any person from operating as a nursery dealer without a valid license shall contain such provision for the payment of pertinent court costs and reasonable attorneys' fees and administrative expenses as is equitable and the court deems appropriate in the circumstances.

NEW SECTION. Sec. 8. Section 9, chapter 33, Laws of 1971 ex. sess. and RCW 15.13.330 are each repealed.

Passed the Senate May 19, 1983.

Passed the House May 18, 1983.

Approved by the Governor June 14, 1983.

Filed in Office of Secretary of State June 14, 1983.

CHAPTER 74

[Second Substitute Senate Bill No. 4102]

MATH AND SCIENCE TEACHERS—HIGHER EDUCATION LOANS

AN ACT Relating to tuition and fees; adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.15 RCW; and making an appropriation.

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