

scribed in subdivisions (2), (3), (4) and (5) of section 5549, and: *Provided*, That in the event repayment of deposits in any such depository is insured by the federal deposit insurance corporation, or by any other corporation, agency or instrumentality organized under and acting under and pursuant to the laws of the United States of America, and authorized to insure the repayment of bank deposits, said depository shall be required to deposit securities only to the amount necessary to secure the excess of the moneys on deposit with it over the amount covered by such insurance.

Repayment
of deposits.

Passed the House March 11, 1935.

Passed the Senate March 14, 1935.

Approved by the Governor March 20, 1935.

CHAPTER 140.

[S. B. 118.]

AGRICULTURAL AND VEGETABLE SEEDS.

AN ACT relating to agricultural and vegetable seeds and amending sections 9, 10 and 16 of chapter 183 of the Laws of 1919 as amended, and section 8 of chapter 153 of the Laws of 1921, and repealing chapter 166 of the Laws of 1929, and making an appropriation for administrative expenses.

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

SECTION 1. That section 9 of chapter 183 of the Laws of 1919, as amended by section 3 of chapter 153 of the Laws of 1921, as amended by section 2 of chapter 137 of the Laws of 1923 (section 2818 of Remington's Revised Statutes) be amended to read as follows:

Amends
§ 9, ch. 183,
Laws of
1919, as
amended.

Section 9. No person shall sell, offer or expose for sale or distribution for the purpose of seeding, any agricultural seeds as herein defined, which shall

Regulation
of sale of
seeds.

Five to pound.

contain more than five (5) to the pound of the following weed seeds:

Weed seeds.

Quack grass (*Agropyron repens*), Dodder (*cuscuta species*), fanweed (*thlaspi arvense*), perennial sow thistle (*sonchus arvensis*) and poverty weed (*iva axillaris*), or shall contain any seeds of bindweed or wild morning glory (*convolvulus species*), Canada thistle (*cirsium arvense*), or corn cockle (*agrostemma githago*).

Amends § 10, ch. 183, Laws of 1919, as amended.

SEC. 2. That section 10 of chapter 183 of the Laws of 1919, as amended by section 4 of chapter 153 of the Laws of 1921, as amended by section 3 of chapter 137 of the Laws of 1923 (section 2819 of Remington's Revised Statutes) be amended to read as follows:

Sale of seeds.

Section 10. a. No person shall sell, offer or expose for sale or distribution for the purpose of seeding any agricultural seeds as herein defined which shall contain more than ninety (90) to the pound, of the following weed seeds:

Ninety to pound.

Description.

Russian thistle (*salsola kali*), charlock (*brassica arvensis*), Jim Hill mustard (*sisymbrium altissimum*), buckhorn plantain (*plantago lanceolata*), darnel (*lolium temulentum*), and sheep sorrel (*rumex acetosella*), or more than fifteen (15) to the pound of wild oats (*avena fatua*) in the seeds of cereals, vetches or peas.

Weed seeds.

b. Weed seeds of any other kind than those mentioned in section 2818 and section 2819, paragraph (a), when found in any sample of agricultural seed, shall be classed as impurities therein and when presented in quantities exceeding two per cent (2%) of the sample either singly or in combination, the approximate percentage of each shall be stated on the label attached to the container or stamped on the container itself.

Impurities.

Approximate percentage.

Director of agriculture.

The director of agriculture may make regulations determining the species of noxious weeds which shall

be included with those mentioned in section 2818 or section 2819, paragraph (a).

Noxious weeds.

SEC. 3. That section 16 of chapter 183 of the Laws of 1919, as amended by section 7 of chapter 153 of the Laws of 1921, as amended by section 5 of chapter 137 of the Laws of 1923 (section 2825 of Remington's Revised Statutes) be amended to read as follows:

Amends § 16, ch. 183, Laws of 1919, as amended.

Section 16. It shall be the duty of the said director of agriculture, either by himself or his inspectors or assistants, to inspect, examine, and take samples of any agricultural seeds stored, sold, offered or exposed for sale or distribution within this state for seeding purposes, at such time, and place, and to such extent as he may determine. The director, supervisor, or inspectors, or assistants shall have free access at all reasonable hours upon and into any vessels, ferries, premises or structures, to make examination of any agricultural seeds whether such seeds are upon the premises of the owner or consignee of such seeds or on the premises or in the possession of any warehouse, elevator, railway or steamship company; and he is hereby given authority in person or by his inspectors or assistants upon notice to the dealer, his agent or representative of any warehouse, elevator, railway or steamship company, if present, to take for analysis a sample of such agricultural seeds from a parcel, package, lot or other container or number of parcels, packages, lots, or other containers; said sample shall be thoroughly mixed and divided into two samples of at least two ounces each and securely sealed. One of said samples shall be left with, or on the premises of the vendor or party in interest, and the other retained by said director of agriculture or his agent for analysis.

Duties of director.

Inspection.

Analysis of sample.

The said director, supervisor, inspector and assistants shall be vested with all necessary powers

Vest with necessary powers.

for the proper execution of their duties, including all action or procedure needful to secure evidence of fraud and dishonest dealing in or the fraudulent advertising of seed.

Violation.

Prosecutions for violation of this act shall be brought in the proper court by the prosecuting attorney of the county in which said violation occurred, upon complaint of the director, supervisor, inspectors or assistants.

Monies to general fund.

All moneys received from license fees, fines, costs imposed and recovered under the provisions of this act shall be paid to the director of agriculture, or his agents, and by him paid into the state treasury to the credit of the general fund to be used to assist in defraying costs of inspection and analysis and grading of agricultural and vegetable seeds under the provisions of this act.

Aid of attorney general.

The director, supervisor, or inspectors shall have the power whenever he shall deem it necessary to call upon the attorney general for aid in the prosecution of all cases arising under the provisions of this act.

Violation of act.

Whoever violates any of the provisions named in this act, or who shall attempt to interfere with the inspectors or assistants in the discharge of the duties named herein, shall be guilty of a misdemeanor and upon conviction shall be fined not less than twenty-five dollars (\$25.00) and costs for the first offense and not less than one hundred dollars (\$100.00) and costs for the second or any subsequent offense.

Penalty.

Amends § 8, ch. 153, Laws of 1921, as amended.

SEC. 4. That section 8 of chapter 153 of the Laws of 1921, as amended by section 6 of the Session Laws of 1923, (section 2827 of Remington's Revised Statutes) be amended to read as follows:

Section 8. It shall be unlawful for any person, firm or corporation to engage in, conduct, or carry on the business of selling, dealing in or importing in

to this state for sale or distributing any agricultural or vegetable seeds, without first having obtained from the director of agriculture and having in force a license so to do. A separate license shall be obtained for each regular place of business. The license fee for each place of business shall be ten dollars (\$10.00).

License required.

Fee.

Provided that no license shall be required from merchants selling only seeds in sealed packages of eight (8) ounces or less and which have been packed and sealed by a licensed seedman when the package bears the name and address of the licensee. All licenses shall bear the date of issue and shall expire on the first day of July next following the date of issue. The director of agriculture may publish from time to time, in bulletins or reports, a list of those licensed under this act. All moneys collected under this act shall be paid into the general fund of the state treasury.

Exceptions.

Date of issue.

Bulletins.

General fund.

SEC. 5. There is hereby appropriated out of the general fund of the state treasury the sum of eighteen thousand dollars (\$18,000) to be available to the director of agriculture for administrative expenses under this act but in no case to exceed the receipts thereunder. *Provided, however,* The state auditor may anticipate the receipts and issue warrants to cover the same in any amount not to exceed two thousand dollars (\$2,000).

Appropriation.

SEC. 6. That chapter 166 of the Laws of 1929 be and it is hereby repealed.

Repeal of ch. 166, Laws of 1929.

Passed the Senate March 5, 1935.

Passed the House March 14, 1935.

Approved by the Governor March 21, 1935.