

CHAPTER 27.

[H. B. 62.]

HORTICULTURE.

AN ACT relating to horticulture and amending Sections 3, 11, 16 and 17 of Chapter 166 of the Laws of 1915, and amending Section 13 of Chapter 141 of the Laws of 1921.

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

SECTION 1. That section 3 of chapter 166 of the Laws of 1915, as amended by section 1 of chapter 37 of the Laws of 1923, (section 2841 of Remington's Compiled Statutes) be amended to read as follows:

Section 3. Inspectors-at-large may be assigned to duty in one or more counties and transferred from one county to another in the discretion of the director, and their salaries, compensation and actual and necessary traveling expenses shall be paid by warrants drawn upon the state treasurer by the state auditor, upon vouchers signed and verified under oath by such inspectors and counter-signed by the director or the assistant director and/or upon warrants drawn upon a trust fund derived from the certification of fruits and vegetables in the district in which said certification is performed in an amount not to exceed thirty per cent of the salary as paid by warrants drawn upon the state treasurer by the auditor upon vouchers signed and verified under oath by such inspectors and counter-signed by the director or assistant director: *Provided, however,* That such inspectors-at-large shall pass an examination by the director of agriculture as will prove to his satisfaction that their knowledge and experience qualify them to successfully carry on the work in the district to which they are assigned. In addition to inspectors-at-large whenever a petition is presented to the board of county commissioners of any county signed by twenty-five or more persons, each of whom is a resident free-holder and owner of an

Amends § 3,
ch. 166, Laws
of 1915; § 1,
ch. 37, Laws
of 1923;
§ 2841,
Rem. Comp.
Stat.

Inspectors-
at-large.

Salaries,
expenses.

Method of
payment.

Examina-
tion.

orchard, berry farm, cultivated cranberry marsh or nursery, within said county stating that certain or all orchards, berry farms, fruit farms, cultivated cranberry marshes, or nurseries or trees or plants of any variety or kind, within the county are infected, and that they desire the help of a local horticultural inspector in combating the infection, said board of county commissioners shall by resolution request the appointment and assignment to duty in such county by the director of agriculture of such number of local inspectors and for such length of time as such petition shall specify; *Provided, however,* That such local inspectors shall pass such an examination by the director of agriculture as will prove to his satisfaction that their knowledge and experience qualifies them to successfully perform horticultural inspection work. The salaries as fixed by the county commissioners and actual and necessary traveling expenses, within the county, of all local inspectors shall be paid out of the current expense fund of their respective counties upon vouchers signed and verified under oath by such inspectors and approved by the director or the assistant director and ordered paid by the county commissioners and the county auditor shall issue warrants therefor upon the said county fund. All local inspectors shall be under the direction and control of the director of agriculture and the assistant director. In case any inspector is dismissed from the service or transferred to another place, or to other duties, any qualified inspector or officer of the agricultural department may continue or complete any work or perform any duty initiated by such dismissed or transferred officer.

Local
inspector.Examina-
tion.Salaries,
expenses.Dismissed or
transferred.

SEC. 2. That section 11 of chapter 166 of the Laws of 1915, as amended by section 4 of chapter 311 of the Laws of 1927, (section 2849, Remington's Compiled Statutes) be amended to read as follows:

Amends § 11,
ch. 166, Laws
of 1915; § 4,
ch. 311, Laws
of 1927;
§ 2849 Rem.
Comp. Stat.

Failure to
disinfect
or destroy.

Section 11. In case the owner or person in charge of any premises or property required to be disinfected or destroyed as in the previous section provided, shall fail or neglect to comply with the notice within the time specified therein, the officer giving the notice shall have the right and it shall be his duty to enter upon the premises to be disinfected or where the personal property required to be disinfected or destroyed is situated and perform the acts required in such notice, or cause the same to be performed at the cost and expense of the owner of such premises or property as the case may be. The officer shall keep an accurate account of such cost and expense and the same shall be a lien upon the premises or personal property so disinfected, which lien may be enforced by the methods hereinafter provided. The liens in this section provided for shall in the case of personal property have precedence over all other liens: *Provided*, That where infected property has not been properly and adequately sprayed by the owner or lessee for two years, such property may be declared a public nuisance as provided by law and treated as such.

Cost and
expense.

Liens.

Infected
property
public
nuisance.

Amends § 16,
ch. 166, Laws
of 1915; § 1,
ch. 175, Laws
of 1929;
§ 2854 Rem.
Comp. Stat.

SEC. 3. That section 16 of chapter 166 of the Laws of 1915, as amended by section 1 of chapter 175 of the Laws of 1929, (section 2854, Remington's Compiled Statutes) be amended to read as follows:

Sale unlaw-
ful unless
properly
marked.

Section 16. It shall be unlawful for any person growing or packing and selling, offering for sale or shipping in boxes or packages, any fruit, vegetables or horticultural products grown in this state, or expose for sale, sell or offer for sale in the State of Washington, any fruit, vegetables or horticultural products without plainly marking on the outside of the box, package or parcel, with such standards, rules and regulations as have been or may be adopted and required by the director of agriculture after public hearings as provided by law, and it

shall be unlawful for any person having in his possession for sale or offering for sale or selling any fruit or horticultural products grown in this state and shipped in boxes or packages; to repack the same in the boxes or packages of any other grower or shipper or from any other place or to sell or offer for sale in closed packages, or to pack in or offer for sale in marked box or package any fruit or horticultural products other than that originally contained or shipped therein unless the markings are changed to conform to the contents of the package as heretofore provided.

Unlawful to re-pack.

In addition to the marks required to be placed upon any closed box or package of fruit, vegetable or horticultural products grown in this state, as hereinabove provided, the grower thereof or association or organization of growers packing the same shall mark upon the outside of such package the grade of the fruit, vegetable or horticultural products contained therein, specifying the grades and markings according to the obligatory grading rules and regulations, issued, published, and adopted by the director of agriculture, or a special or private grade or brand duly registered and approved by the director of agriculture as provided by law, and it shall be unlawful for any person to remark any such closed package to a higher or superior grade than that originally marked by the grower thereof or association or organization packing the same, or for any person other than the grower or association or organization packing such fruit grown in this state to place upon any such closed package not marked with the grade of the contents thereof any mark or brand indicating the grade of such contents; *Provided*, That nothing in this section shall be construed to apply to canned or dried fruit; *Provided, further*, That containers of fruits, vegetables and other horticultural products produced in other states

Grade marked.

Rules and regulations

Canned fruit.

Products of other states.

and shipped into the State of Washington, shall be marked to conform with the obligatory standards, rules and regulations duly promulgated by the proper authority of the state wherein such fruits, vegetables and horticultural products were produced, or the standards, rules and regulations adopted by the United States department of agriculture.

SEC. 4. That section 17 of chapter 166 of the Laws of 1915, as amended by section 7 of chapter 311 of the Laws of 1927, (section 2855, Remington's Compiled Statutes) be amended to read as follows:

Section 17. It shall be unlawful for any grower thereof or association or organization of growers packing apples, or other fruits, vegetables or nursery stock, to mark the package with the grade of the contents, or for any person to ship, sell, barter, or otherwise dispose of or offer for sale, or have in his possession for the purpose of sale, any package of apples, or other fruits, vegetables, or nursery stock, grown and packed within the State of Washington unless such contents shall comply with the general obligatory rules and regulations made, adopted and published from time to time by the director of agriculture, which general obligatory rules and regulations shall define and establish the standard for the grades.

In case an inspector making an inspection finds that apples, or other fruits, vegetables or nursery stock do not meet the standards as established by the obligatory rules and regulations, he shall condemn and serve notice upon such owner or person having possession of such apples, or other fruits, vegetables or nursery stock and the owner or person having possession of apples, or other fruits, vegetables or nursery stock shall not sell or dispose of the condemned apples, or other fruits, vegetables or nursery stock without written permission from the

Amends § 17, ch. 166, Laws of 1915; § 7, ch. 311, Laws of 1927; § 2855 Rem. Comp. Stat.

Sale unlawful if grade marks not according to rules.

Condemned.

inspector so to do. It will be *prima facie* evidence that the owner or person who has possession of such apples, or other fruits, vegetables or nursery stock has violated the provisions of this act unless he show the fruit, vegetables or nursery stock in possession or a release in writing signed by an inspector that he has complied with the provisions of the condemnation.

It shall be unlawful (1) to mark or place upon any package of fruit, vegetables or nursery stock the name of any other place or locality than the place where the same were grown, except the place to which shipped; or to falsely mark any such package as to variety, name of grower, or place where grown, or to represent for purposes of sale that said fruit, vegetables or nursery stock were grown in any locality other than that in which they were actually grown, or by any other person than the person by which they were actually grown; (2) to mark, brand, advertise, offer for sale, or sell, any fruit, vegetables or nursery stock as graded according to, or by the name of any of the grades promulgated by the director of agriculture, unless they conform to such grades; (3) to mark, brand, advertise, offer for sale or sell any fruit, vegetables or nursery stock by the name of any grade that imitates or approaches the name of any of the grades promulgated by the director of agriculture; or (4) to have in his possession any packages of fruit, vegetables or nursery stock thus misbranded.

But it shall not be unlawful to sell vegetables, fruit or nursery stock as ungraded, or as graded according to other standards than those adopted by the director of agriculture: *Provided*, The name of such other grades or standards does not closely resemble or imitate the name of any of the official grades unless obligatory grades, rules and regulations have been adopted as in this section provided.

Place of
growth
marked.

Wrong grade
marks
unlawful.

Imitation of
grades.

Other
standards.

Products of
other states.

Apples or other fruit, vegetables and nursery stock produced in other states and shipped into the State of Washington shall comply with the obligatory standards, rules and regulations duly promulgated by the proper authority of the state of origin of such products or the standards, rules and regulations adopted by the United States department of agriculture.

Rules and
regulations,
hearing.

The general obligatory rules and regulations shall be based on the official hearing held as in this section provided, and thereafter the director of agriculture is authorized and directed to hold a public hearing in the principal districts affected, to consider proposed changes in these obligatory rules and regulations for any kind of fruit, vegetables or nursery stock only when a petition is submitted to him signed by resident freeholders of the state who are owners of twenty-five per cent or more of the total commercial acreage based on the census of the state department of agriculture for the kind of fruit, vegetables or nursery stock for which changes in the rules and regulations are suggested or the director of agriculture may call a public hearing upon a reasonable showing of such a necessity by the industry requesting such hearing to consider desired changes in said rules and regulations and make, adopt, issue and publish general obligatory rules and regulations governing the packing of apples, other fruit, vegetables or nursery stock and establishing and defining the grades thereof, and in adopting the same the director is authorized to consult and advise with fruit, vegetables or nursery growers, the officers of associations or organizations of apple, other fruit, vegetable or nursery growers or distributors or dealers in apples, other fruit, vegetables or nursery stock. For the conducting of such hearing the director of agriculture may prescribe all necessary reasonable rules, but said rules

Changes.

must be such as to insure a fair, full and impartial opportunity for all interested districts to be heard. In establishing the grading obligatory rules herein mentioned the director of agriculture shall base them on the necessities and properties as shown in said hearing, taking into consideration the tonnage of commercial fruit, vegetables or nursery stock in each district of the state affected by the grading obligatory rules to be established; said rules and regulations so established to become obligatory rules and regulations and be given the same force and effect as though enacted by the legislature of the State of Washington, said obligatory rules and regulations to become effective upon being adopted and promulgated by the director of agriculture.

SEC. 5. That section 13 of chapter 141 of the Laws of 1921, as amended by section 1 of chapter 67 of the Laws of the Extraordinary Session of 1925 (section 2872 of Remington's Compiled Statutes) be amended to read as follows:

Amends § 13, ch. 141, Laws of 1921; § 1, ch. 67, Ex. Laws of 1925; § 2872 Rem. Comp. Stat.

Section 13. The director of agriculture, assistant director, and inspector-at-large are authorized and empowered to appoint horticultural inspectors upon application of a financially interested party for certificate inspection service or other inspection on certain specified fruits, vegetables, nursery stock or other horticultural products, and such horticultural inspectors are authorized and empowered, to inspect, or inspect, investigate and certify to shippers and other interested parties, the quality, grade and condition of the fruit, vegetables, nursery stock or other horticultural products specified in the application and the cars in which they are loaded. Such inspection and investigation to be made under such rules and regulations as the director of agriculture may from time to time prescribe, upon the payment of such reasonable fees to be fixed by the director as will as near as may be cover the cost for

Certificate inspection service.

Rules and regulations.

Fees.

Collection
of fees.

Bond of
inspectors.

Report of
inspectors.

Funds for
service.

the services rendered. Such fees are to be collected by the inspectors-at-large who have charge of such inspection and expended by them to assist in defraying the expense of the horticultural inspection. Such inspectors-at-large shall be bonded in a sum of three thousand dollars each running to the State of Washington with a surety approved by the director conditioned for the faithful handling of these funds for the purpose specified in this act. Said inspectors-at-large shall render on or before the tenth day of each month a detailed account to the director of agriculture showing the receipts and disbursements for the preceding month. On the thirtieth of June of each year the inspectors-at-large shall render a complete account of the past year's business to the board of county commissioners of each county in which such inspection has been made or certificates have been issued in their district, and should there be in excess of fifteen hundred dollars remaining on hand in any horticultural inspection district after all expenses of such inspection or certificate of inspection service have been met, to date, in that district, such amount shall be returned to the contributors to the fund in proportion to the amount of payment made into the fund by each contributor, except that in districts designated as No. 4 and No. 5, the return to be made to the contributor in that amount in excess of six thousand five hundred (\$6,500.00) dollars and in District No. 11, the returns to the contributor to be made on that amount in excess of three thousand five hundred (\$3,500.00) dollars. In case the applicant for such inspection or certificate service shall fail, neglect or refuse, to pay such fee within thirty (30) days after the inspection has been made, it shall be the duty of the prosecuting attorney of the county in which the inspection was made to bring action for debt in the name of the inspector-at-large in charge

of the inspection on his request. Such certificate so issued shall be received in all the courts of the State of Washington as *prima facie* evidence of the truth of the statement therein contained.

Passed the House February 26, 1931.

Passed the Senate February 25, 1931.

Approved by the Governor March 9, 1931.

CHAPTER 28.

[H. B. 149.]

CONGRESSIONAL REAPPORTIONMENT.

AN ACT to redistrict and reapportion the State of Washington into six congressional districts and repealing Chapter 94 of the Laws of 1913.

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

SECTION 1. That the city of Seattle and Kitsap county, shall constitute the first congressional district and shall be entitled to one representative in the Congress of the United States. First district.

SEC. 2. That the counties of Snohomish, Skagit, Whatcom, San Juan, Island, Clallam, Jefferson and the precincts of Avondale, Bothell No. 1, Bothell No. 2, Broadview, Foy, Greenwood, Haller Lake, Hollywood, Juanita, Kenmore, Lake City, Lake Forest, Maple Leaf, Meadow Point, Morningside, North Park, North Trunk, Oak Lake, Ravenna, Richmond, Woodinville and Woodland in the county of King shall constitute the second congressional district and shall be entitled to one representative in the Congress of the United States. Second district

SEC. 3. That the counties of Grays Harbor, Mason, Thurston, Pacific, Lewis, Wahkiakum, Cowlitz, Clark and Skamania shall constitute the third congressional district and shall be entitled to one representative in the Congress of the United States. Third district.