

Partial  
invalidity.

SEC. 2. Adjudication of invalidity of any part of the foregoing section 1 of this act shall not impair or otherwise affect the validity of any other part thereof.

Passed the House February 19, 1937.

Passed the Senate March 8, 1937.

Approved by the Governor March 15, 1937.

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## CHAPTER 148.

[H. B. 249.]

### NURSERY STOCK.

AN ACT relating to horticulture, amending sections 1 and 20 of chapter 166 of the Laws of 1915 as subsequently amended, and making an appropriation.

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

SECTION 1. That section 1 of chapter 166 of the Laws of 1915, as amended by section 1 of chapter 141 of the Laws of 1921 and section 1 of chapter 311 of the Laws of 1927 (section 2839 of Remington's Compiled Statutes, 1927 Supplement) be amended to read as follows:

Amends  
§ 2839, Rem.  
Comp. Stat.  
1927 Supp.  
(§ 2707 P. C.)

Definitions.

Section 1. That the term "director" whenever used in this act shall be held and construed to mean the director of agriculture of the State of Washington, and the term "assistant director" and "assistant" shall be held and construed to mean the assistant director of agriculture for the division of horticulture; and the term "horticultural inspector" and the term "inspector" wherever used in this act shall be held and construed to mean an inspector of the department of agriculture, assigned to the division of horticulture; the term "nursery stock" wherever used in this act shall be held and construed to mean and include fruit trees, fruit tree stock, nut trees, grape vines, fruit bushes, rose bushes, rose

stock, forest and ornamental trees and shrubs (both deciduous and evergreen), bulbs, florists' stock, and cuttings, scions and seedlings of fruit or ornamental trees or shrubs, and all other fruit bearing plants and parts thereof and plant products for propagation or planting; the term "infect" and its derivatives "infecting," "infected" and "infection," wherever used in this act shall be held and construed to mean and include being affected by or infested with the diseases or insect pests to which horticultural plants and products are subject and which are required to be guarded against, controlled, cured, removed, and eradicated as in this act provided; The term "disinfect" and its derivatives shall be held and construed to mean and include cure, removal or eradication of such diseases or pests by cutting and destroying the infected parts, or the application of fungicides or insecticides specified in this act, or such other effective solutions or emulsions as may be discovered by science and specified and described in the bulletins issued by the director of agriculture; and the term "person" wherever used in this act shall be held and construed to mean and include individuals, partnerships, associations, joint stock companies and corporations; and the term "agent" wherever used in this act shall be held and construed to mean and include any person acting as agent, salesman, solicitor or representative of any nurseryman or dealer in nursery stock, who is selling from catalogue or from samples only and who makes no deliveries at the time of solicitation and is representing a person licensed under this act.

SEC. 2. That section 20 of chapter 166 of the Laws of 1915 as amended by section 7 of chapter 37 of the Laws of 1923 and section 8 of chapter 311 of the Laws of 1927 (section 2858 of Remington's Compiled Statutes, 1927 Supplement) be amended to read as follows:

Amends  
§ 2858 Rem.  
Comp. Stat.  
1927 Supp.  
(§ 2726 P. C.)

Nursery  
stock.

Dealers'  
licenses.

Fees.

Date and  
expiration.

Disposition  
of fees.

Receipts  
anticipated.

Appro-  
priation.

Section 20. It shall be unlawful for any person, firm or corporation to sell, deal in or import into this state for sale or distribution any nursery stock, or to act as agent for any nurseryman or dealer in nursery stock, without first having obtained from the director of agriculture and having in force a license so to do for each place of business, and it shall be unlawful for any person to falsely represent that he is the agent or representative of any nurseryman or dealer in nursery stock. No license shall issue until the applicant therefor shall have paid the fee, as in this act required. The license fee shall be five dollars for nurserymen who grow all of the stock they sell and fifteen dollars for other nurserymen, dealers, brokers, landscape architects or other persons deriving financial benefit from the sale of nursery stock, and one dollar for agents. All licenses shall be in the name of the person, firm or corporation licensed, and shall show the purpose for which issued, the name and location of the nursery or place of business of the nurseryman or dealer licensed or represented by the agent licensed, and no license shall be issued to any agent unless the nurseryman or dealer represented shall be licensed. All licenses shall bear the date of issue and shall expire on the first day of July next following the date of issue. All monies collected under the provisions of this act shall be paid into the Special Fund which is hereby established in the State Treasury to be known as the Nursery Inspection Fund which shall be used exclusively for necessary expenses under the act. The state auditor may anticipate the receipts and issue warrants in any amount not exceeding three thousand dollars (\$3,000.00).

SEC. 3. There is hereby appropriated out of the money in the state treasury to the credit of the Nursery Inspection Fund the sum of eighteen thousand

dollars (\$18,000.00) to be available to the director of agriculture for administrative expenses under this act, but in no case to exceed the receipts from collections under this act, all fees so collected to remain in the said fund until expended.

This act is necessary for the immediate protection of the horticultural industry and shall take effect immediately. Effective immediately.

Passed the House March 3, 1937.

Passed the Senate March 9, 1937.

Approved by the Governor March 15, 1937.

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## CHAPTER 149.

[H. B. 272.]

### COMMERCIAL FISHING LICENSE FEES.

AN ACT relating to food and shellfish, providing for licenses for taking, canning, receiving, buying, wholesaling and selling food and shellfish and amending section 51 of chapter 31 of the Laws of 1915 as amended by section 1 of chapter 63 of the Laws of 1921, defining license fees and declaring that this act shall take effect March 31st, 1937.

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

SECTION 1. That section 51 of chapter 31 of the Laws of 1915 as amended by section 1, chapter 63 of the Laws of 1921 be amended to read as follows: Amends  
§ 1, Ch. 63,  
Laws 1921.

Section 51. Licenses herein required shall be issued to any qualified person, firm or corporation, by the director of licenses, or his duly authorized deputy, upon the receipt of a lawful application therefor, upon a blank to be furnished for that purpose, accompanied by the receipt of the state treasurer for the required fee, and the director of licenses shall cause to be endorsed on such application the number of the license issued and the date of issue, and transmit the application to the director Licenses.