
HOUSE BILL 2147

State of Washington

68th Legislature

2024 Regular Session

By Representatives Dent and Chapman; by request of Department of Agriculture

Prefiled 01/04/24.

1 AN ACT Relating to agriculture pest and disease response;
2 amending RCW 17.24.171; adding new sections to chapter 43.23 RCW; and
3 creating new sections.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** (1) The legislature finds that Washington
6 agriculture is complex and highly diverse, producing more than 300
7 agricultural commodities on over 35,900 farms. Agricultural
8 production in Washington is highly valued, generating \$12,800,000,000
9 per year in production value, not including over \$17,000,000,000 in
10 food and agricultural products that pass through Washington's ports
11 annually.

12 (2) The legislature also finds that the Washington state
13 department of agriculture's statutory duties include monitoring and
14 responding to new, emerging, and transboundary plant and animal pests
15 and diseases. Pest and disease challenges, to the state's food
16 systems, public health, and the environment, have increased in
17 frequency and severity due to changing climate patterns and global
18 trade flows.

19 (3) In order to better protect Washington's food and agricultural
20 economy, public health, and the environment, the legislature intends
21 to provide more reliable and readily available funding to prevent,

1 quickly detect, and rapidly respond to emerging threats from
2 agricultural pests and diseases.

3 NEW SECTION. **Sec. 2.** (1) The agricultural pest and disease
4 response account is created in the state treasury. All receipts from
5 moneys received pursuant to section 3 of this act, moneys
6 appropriated to the account by the legislature, or moneys directed to
7 the account from any other lawful source, for the purpose of funding
8 emerging agricultural pest and disease response activities, must be
9 deposited into the account. Moneys in the account may be spent only
10 after appropriation.

11 (2) Following a declaration of emergency under RCW 17.24.171 or
12 issuance of a quarantine order under RCW 16.36.010 or 17.24.041,
13 expenditures from the account may be used only for activities
14 necessary to respond to emerging agricultural pest and disease
15 threats in order to protect the food and agricultural economy of the
16 state, the public health of the state, or the environment of the
17 state including, but not limited to, actions authorized under this
18 chapter and chapters 15.08, 16.36, 16.38, and 17.24 RCW.

19 (3) By October 1st following any fiscal year in which
20 expenditures were made from the account, the department must provide
21 the director of the office of financial management with a close-out
22 cost summary of expenditures authorized for that fiscal year.

23 NEW SECTION. **Sec. 3.** Upon the issuance of a declaration of
24 emergency under RCW 17.24.171 or a quarantine order under RCW
25 16.36.010 or 17.24.041, the state treasurer shall transfer from the
26 general fund to the agricultural pest and disease response account
27 created in section 2 of this act those amounts necessary to bring the
28 balance of the agricultural pest and disease response account to
29 \$2,000,000, based upon the determination of the transfer amount from
30 the office of financial management. The office of financial
31 management must determine the fund balance of the agricultural pest
32 and disease response account as of the previous fiscal month before
33 the issuance of a declaration of emergency or a quarantine order. The
34 office of financial management must promptly notify the state
35 treasurer and the department of the account balance and the necessary
36 transfer amount once a determination is made. A transfer based on the
37 determination by the office of financial management may be made only
38 once every fiscal year.

1 **Sec. 4.** RCW 17.24.171 and 2003 c 314 s 6 are each amended to
2 read as follows:

3 (1) If the director determines that there exists an imminent
4 danger of an infestation of plant pests or plant diseases that
5 seriously endangers the agricultural or horticultural industries of
6 the state, or that seriously threatens life, health, economic well-
7 being, or the environment, the director shall request the governor to
8 order emergency measures to control the pests or plant diseases under
9 RCW 43.06.010(13). The director's findings shall contain an
10 evaluation of the affect of the emergency measures on public health.

11 (2) If an emergency is declared pursuant to RCW 43.06.010(13),
12 the director may appoint a committee to advise the governor through
13 the director and to review emergency measures necessary under the
14 authority of RCW 43.06.010(13) and this section and make subsequent
15 recommendations to the governor. (~~The committee shall include~~
16 ~~representatives of the agricultural industries, state and local~~
17 ~~government, public health interests, technical service providers, and~~
18 ~~environmental organizations.~~) Invitations to participate on the
19 committee must include representatives of the affected agricultural
20 industries, state and local government, federally recognized tribes,
21 public health interests, technical service providers, and
22 environmental organizations.

23 (3) Upon the order of the governor of the use of emergency
24 measures, the director is authorized to implement the emergency
25 measures to prevent, control, or eradicate plant pests or plant
26 diseases that are the subject of the emergency order. Such measures,
27 after thorough evaluation of all other alternatives, may include the
28 aerial application of pesticides.

29 (4) Upon the order of the governor of the use of emergency
30 measures, the director is authorized to enter into agreements with
31 individuals, companies, or agencies, to accomplish the prevention,
32 control, or eradication of plant pests or plant diseases,
33 notwithstanding the provisions of chapter 15.58 or 17.21 RCW, or any
34 other statute.

35 (5) The director shall continually evaluate the emergency
36 measures taken and report to the governor at intervals of not less
37 than (~~ten~~) 60 days. The director shall immediately advise the
38 governor if he or she finds that the emergency no longer exists or if
39 certain emergency measures should be discontinued.

1 NEW SECTION. **Sec. 5.** Sections 2 and 3 of this act are each
2 added to chapter 43.23 RCW.

3 NEW SECTION. **Sec. 6.** If specific funding for the purposes of
4 this act, referencing this act by bill or chapter number, is not
5 provided by June 30, 2024, in the omnibus appropriations act, this
6 act is null and void.

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