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**SENATE BILL 6344**

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**State of Washington 64th Legislature 2016 Regular Session**

**By** Senators Takko, Warnick, and Hobbs; by request of Department of Agriculture

AN ACT Relating to the mandatory nonbinding arbitration provisions of the Washington state seed act; creating a new section; and repealing RCW 15.49.071, 15.49.081, 15.49.091, 15.49.101, and 15.49.111.

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

NEW SECTION. **Sec.**  The legislature finds that the provisions in chapter 15.49 RCW that require private parties experiencing a dispute regarding the sale of plant seeds to engage with an otherwise uninvolved third party state agency and participate in a mandatory, nonbinding arbitration has a number of negative effects that are not offset by any realized benefits not otherwise available to the parties and does not advance the goals of protecting consumers or providing uniformity in seed sales. These negative outcomes include a time delay and added expense for the private parties engaged in the dispute, otherwise unnecessary budgetary pressures on the department of agriculture, and hardships for seed industry representatives being asked to serve on an arbitration panel without compensation. This mandatory step towards the resolution of the dispute has not, due to the nonbinding nature of the outcome, proven to be a worthwhile investment in the time or resources of the private parties or the state.

The legislature further finds that the removal of the requirement that the department of agriculture must serve as a forum for arbitration between two private parties will reduce the time and cost necessary for the parties to find a resolution to the dispute without eliminating the parties' option to seek other alternate dispute resolution resources, such as those provided under chapters 7.06 and 7.07 RCW.

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 **Sec.**  The following acts or parts of acts are each repealed:

(1)RCW 15.49.071 (Damages—Arbitration prerequisite to legal action) and 2005 c 433 s 36 & 1989 c 354 s 77;

(2)RCW 15.49.081 (Arbitration—Filing fee—Rules) and 1989 c 354 s 78;

(3)RCW 15.49.091 (Arbitration—Procedure) and 1989 c 354 s 79;

(4)RCW 15.49.101 (Investigation of complaint by arbitration committee) and 2010 c 8 s 6062 & 1989 c 354 s 80; and

(5)RCW 15.49.111 (Arbitration committee—Creation—Generally) and 2010 c 8 s 6063 & 1989 c 354 s 81.

**--- END ---**