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**SUBSTITUTE HOUSE BILL 1956**

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**State of Washington**

**52nd Legislature**

**1991 Regular Session**

**By** House Committee on Agriculture & Rural Development (originally sponsored by Representatives Rayburn, Nealey, McLean, Kremen, Chandler, Roland and Rasmussen; by request of Department of Agriculture).

Read first time February 21, 1991.

1       AN ACT Relating to protection of the plant industry; amending RCW  
2 15.09.080 and 43.06.010; adding new sections to chapter 17.24 RCW;  
3 creating a new section; repealing RCW 17.24.005, 17.24.030, 17.24.035,  
4 17.24.060, 17.24.070, 17.24.080, 17.24.100, 17.24.105, 17.24.110,  
5 17.24.120, 17.24.130, 17.24.140, 17.24.200, 17.24.210, 69.07.090, and  
6 69.07.130; and prescribing penalties.

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

8       **Sec. 1.** RCW 15.09.080 and 1982 c 153 s 4 are each amended to read  
9 as follows:

10       (1) Whenever the horticultural pest and disease control board finds  
11 that an owner of land has failed to control and prevent the spread of  
12 horticultural pests and diseases on his land, as is his duty under RCW  
13 15.09.060, it shall provide such person with written notice, which  
14 notice shall identify the pests and diseases found to be present and

1 shall order prompt control or disinfection action to be taken within a  
2 specified and reasonable time period.

3 (2) If the person to whom the notice is directed fails to take  
4 action in accordance with this notice, then the board shall perform or  
5 cause to be performed such measures as are necessary to control and  
6 prevent the spread of the pests and diseases on such property and the  
7 expense of this work shall be charged to such person. Any action that  
8 the board determines requires the destruction of infested plants,  
9 absent the consent of the owner, shall be subject to the provisions of  
10 subsection (3) of this section.

11 (3) In the event the owner of land fails to control and prevent the  
12 spread of horticultural pests and diseases as required by RCW  
13 15.09.060, and the county horticultural pest and disease board  
14 determines that actions it has taken to control and prevent the spread  
15 of such pests or diseases has not been effective or the county  
16 horticultural pest and disease board determines that no reasonable  
17 measures other than removal of the plants will control and prevent the  
18 spread of such pests or diseases, the county horticultural pest and  
19 disease board may petition the superior court of the county in which  
20 the property is situated for an order directing the owner to show cause  
21 why the plants should not be removed at the owner's expense and for an  
22 order authorizing removal of said infected plants. The petition shall  
23 state: (a) The legal description of the property on which the plants  
24 are located; (b) the name and place of residence, if known, of the  
25 owners of said property; (c) that the county horticultural pest and  
26 disease board has, through its officers or agents, inspected said  
27 property and that the plants thereon, or some of them, are infested  
28 with a horticultural pest or disease as defined by RCW 15.08.010; (d)  
29 the dates of all notices and orders delivered to the owners pursuant to  
30 this section; (e) that the owner has failed to control and prevent the

1 spread of said horticultural pest or disease; and (f) that the county  
2 horticultural pest and disease board has determined that the measures  
3 taken by it have not controlled or prevented the spread of the pest or  
4 disease or that no reasonable measure can be taken that will control  
5 and prevent the spread of such pest or disease except removal of the  
6 plants. The petition shall request an order directing the owner to  
7 appear and show cause why the plants on said property shall not be  
8 removed at the expense of the owner, to be collected as provided in  
9 this chapter. The order to show cause shall direct the owner to appear  
10 on a date certain and show cause, if any, why the plants on the  
11 property described in the petition should not be removed at the owner's  
12 expense. The order to show cause and petition shall be served on the  
13 owner not less than five days before the hearing date specified in the  
14 order in the same manner as a summons and complaint. In the event the  
15 owner fails to appear or fails to show by competent evidence that the  
16 horticultural pest or disease has been controlled, then the court shall  
17 authorize the county horticultural pest and disease board to remove the  
18 plants at the owner's expense, to be collected as provided by this  
19 chapter. If the procedure provided herein is followed, no action for  
20 damages for removal of the plants shall lie against the county  
21 horticultural pest and disease board, its officers or agents, or the  
22 county in which it is situated.

23 NEW SECTION. Sec. 2. PURPOSE. The purpose of this chapter is to  
24 provide a strong system for the exclusion of plant and bee pests and  
25 diseases through regulation of movement and quarantines of infested  
26 areas to protect the forest, agricultural, horticultural,  
27 floricultural, and apiary industries of the state; plants and shrubs  
28 within the state; and the environment of the state from the impact of  
29 insect pests, plant pathogens, noxious weeds, and bee pests and the

1 public and private costs that result when these infestations become  
2 established.

3 NEW SECTION. **Sec. 3.** DEFINITIONS. Unless the context clearly  
4 requires otherwise, the definitions in this section apply throughout  
5 this chapter.

6 (1) "Department" means the state department of agriculture.

7 (2) "Director" means the director of the state department of  
8 agriculture or the director's designee.

9 (3) "Quarantine" means a rule issued by the department that  
10 prohibits or regulates the movement of articles, bees, plants, or plant  
11 products from designated quarantine areas within or outside the state  
12 to prevent the spread of disease, plant pathogens, or pests to  
13 nonquarantine areas.

14 (4) "Plant pest" means a living stage of an insect, mite, nematode,  
15 slug, snail, or protozoa, or other invertebrate animal, bacteria,  
16 fungus, or parasitic plant, or their reproductive parts, or viruses, or  
17 an organism similar to or allied with any of the foregoing plant pests,  
18 including a genetically engineered organism, or an infectious substance  
19 that can directly or indirectly injure or cause disease or damage in  
20 plants or parts of plants or in processed, manufactured, or other  
21 products of plants.

22 (5) "Plants and plant products" means trees, shrubs, vines, forage,  
23 and cereal plants, and all other plants and plant parts, including  
24 cuttings, grafts, scions, buds, fruit, vegetables, roots, bulbs, seeds,  
25 wood, lumber, and all products made from the plants and plant products.

26 (6) "Certificate" or "certificate of inspection" means an official  
27 document certifying compliance with the requirements of this chapter.  
28 The term "certificate" includes labels, rubber stamp imprints, tags,  
29 permits, written statements, or a form of inspection and certification

1 document that accompanies the movement of inspected and certified plant  
2 material and plant products, or bees, bee hives, or beekeeping  
3 equipment.

4 (7) "Compliance agreement" means a written agreement between the  
5 department and a person engaged in growing, handling, or moving  
6 articles, plants, plant products, or bees, bee hives, or beekeeping  
7 equipment regulated under this chapter, in which the person agrees to  
8 comply with stipulated requirements.

9 (8) "Distribution" means the movement of a regulated article from  
10 the property where it is grown or kept, to property that is not  
11 contiguous to the property, regardless of the ownership of the  
12 properties.

13 (9) "Genetically engineered organism" means an organism altered or  
14 produced through genetic modification from a donor, vector, or  
15 recipient organism using recombinant DNA techniques, excluding those  
16 organisms covered by the food, drug and cosmetic act (21 U.S.C. Secs.  
17 301-392).

18 (10) "Person" means a natural person, individual, firm,  
19 partnership, corporation, company, society, or association, and every  
20 officer, agent, or employee of any of these entities.

21 (11) "Sell" means to sell, to hold for sale, offer for sale,  
22 handle, or to use as inducement for the sale of another article or  
23 product.

24 (12) "Noxious weed" means a living stage, including, but not  
25 limited to, seeds and reproductive parts, of a parasitic or other plant  
26 of a kind that presents a threat to Washington agriculture or  
27 environment.

28 (13) "Regulated article" means a plant or plant product, bees or  
29 beekeeping equipment, noxious weed or other articles or equipment  
30 capable of harboring or transporting plant or bee pests or noxious

1 weeds that is specifically addressed in rules or quarantines adopted  
2 under this chapter.

3 (14) "Owner" means the person having legal ownership, possession,  
4 or control over a regulated article covered by this chapter including,  
5 but not limited to, the owner, shipper, consignee, or their agent.

6 (15) "Nuisance" means a plant, or plant part, apiary, or property  
7 found in a commercial area on which is found a pest, pathogen, or  
8 disease that is a source of infestation to other properties.

9 (16) "Bees" means honey producing insects of the species apis  
10 mellifera and includes the adults, eggs, larvae, pupae, and other  
11 immature stages of apis mellifera.

12 (17) "Bee pests" means a mite, other parasite, or disease that  
13 causes injury to bees.

14 (18) "Biological control" means the use by humans of living  
15 organisms to control or suppress undesirable animals and plants; the  
16 action of parasites, predators, or pathogens on a host or prey  
17 population to produce a lower general equilibrium than would prevail in  
18 the absence of these agents.

19 (19) "Biological control agent" means a parasite, predator, or  
20 pathogen intentionally released, by humans, into a target host or prey  
21 population with the intent of causing population reduction of that host  
22 or prey.

23 (20) "Emergency" means a situation where there is an imminent  
24 danger of an infestation of plant pests or disease that seriously  
25 threatens the state's agricultural or horticultural industries or  
26 environment and that cannot be adequately addressed with normal  
27 procedures or existing resources.

1        NEW SECTION.    **Sec. 4.**    REGULATION OF PLANT, PLANT PRODUCT, AND BEE  
2 MOVEMENT.    Notwithstanding the provisions of section 7 of this act, the  
3 director may:

4            (1) Make rules under which plants, plant products, bees, hives and  
5 beekeeping equipment, and noxious weeds may be brought into this state  
6 from other states, territories, or foreign countries; and

7            (2) Make rules with reference to plants, plant products, bees, bee  
8 hives and equipment, and genetically engineered organisms while in  
9 transit through this state as may be deemed necessary to prevent the  
10 introduction into and dissemination within this state of plant and bee  
11 pests and noxious weeds.

12        NEW SECTION.    **Sec. 5.**    INSPECTION AND INVESTIGATION.    (1) The  
13 director may intercept and hold or order held for inspection, or cause  
14 to be inspected while in transit or after arrival at their destination,  
15 all plants, plant products, bees, or other articles likely to carry  
16 plant pests, bee pests, or noxious weeds being moved into this state  
17 from another state, territory, or a foreign country or within or  
18 through this state for plant and bee pests and disease.

19            (2) The director may enter upon public and private premises at  
20 reasonable times for the purpose of carrying out this chapter.    If the  
21 director be denied access, the director may apply to any court of  
22 competent jurisdiction for a search warrant authorizing access to such  
23 premises.    The court may upon such application issue the search warrant  
24 for the purposes requested.

25            (3) The director may adopt rules in accordance with chapter 34.05  
26 RCW as may be necessary to carry out the purposes and provisions of  
27 this chapter.

1        NEW SECTION.    **Sec. 6.**    DETERMINATION OF ORIGIN.    The director may  
2 demand of a person who has in his or her possession or under his or her  
3 control, plants, bees, plant products, or other articles that may carry  
4 plant pests, bee pests, or noxious weeds, full information as to the  
5 origin and source of these items. Failure to provide that information,  
6 if known, may subject the person to a civil penalty.

7        NEW SECTION.    **Sec. 7.**    POWER TO ADOPT QUARANTINE MEASURES--RULES.  
8 If determined to be necessary to protect the forest, agricultural,  
9 horticultural, floricultural, beekeeping, or environmental interests of  
10 this state, the director may declare a quarantine against an area,  
11 place, nursery, orchard, vineyard, apiary, or other agricultural  
12 establishment, county or counties within the state, or against other  
13 states, territories, or foreign countries, or a portion of these areas,  
14 in reference to plant pests, or bee pests, or noxious weeds, or  
15 genetically engineered plant or plant pest organisms. The director may  
16 prohibit the movement of all regulated articles from such quarantined  
17 places or areas that are likely to contain such plant pests or noxious  
18 weeds or genetically engineered plant, plant pest, or bee pest  
19 organisms. The quarantine may be made absolute or rules may be adopted  
20 prescribing the conditions under which the regulated articles may be  
21 moved into, or sold, or otherwise disposed of in the state.

22        NEW SECTION.    **Sec. 8.**    INTRODUCTION OF PLANT PESTS, NOXIOUS WEEDS,  
23 OR ORGANISMS AFFECTING PLANT LIFE.    The introduction into or release  
24 within the state of a plant pest, noxious weeds, bee pest, or any other  
25 organism that may directly or indirectly affect the plant life of the  
26 state as an injurious pest, parasite, predator, or other organism is  
27 prohibited, except under special permit issued by the department under  
28 rules adopted by the director.    A special permit is not required for

1 the introduction or release within the state of a genetically  
2 engineered plant or plant pest organism if the introduction or release  
3 has been approved under provisions of federal law and the department  
4 has been notified of the planned introduction or release. The  
5 department shall be the sole issuing agency for the permits. Except  
6 for research projects approved by the department, no permit for a  
7 biological control agent shall be issued unless the department has  
8 determined that the parasite, predator, or plant pathogen is target  
9 organism or plant specific and not likely to become a pest of nontarget  
10 plants or other beneficial organisms. The director may also exclude  
11 biological control agents that are infested with parasites determined  
12 to be detrimental to the biological control efforts of the state. The  
13 department may rely upon findings of the United States department of  
14 agriculture or any experts that the director may deem appropriate in  
15 making a determination about the threat posed by such organisms. In  
16 addition, the director may request confidential business information  
17 subject to the conditions in section 9 of this act.

18 Plant pests, noxious weeds, or other organisms introduced into or  
19 released within this state in violation of this section shall be  
20 subject to detention and disposition as otherwise provided in this  
21 chapter.

22 NEW SECTION. **Sec. 9.** PROTECTION OF PRIVILEGED OR CONFIDENTIAL  
23 INFORMATION--PROCEDURE--NOTICE--DECLARATORY JUDGMENT. (1) In  
24 submitting data required by this chapter, the applicant may: (a) Mark  
25 clearly portions of data which in his or her opinion are trade secrets  
26 or commercial or financial information; and (b) submit the marked  
27 material separately from other material required to be submitted under  
28 this chapter.

1           (2) Notwithstanding any other provision of this chapter or other  
2 law, the director shall not make information submitted by an applicant  
3 or registrant under this chapter available to the public if, in the  
4 judgment of the director, the information is privileged or confidential  
5 because it contains or relates to trade secrets or commercial or  
6 financial information. Where necessary to carry out the provisions of  
7 this chapter, information relating to unpublished formulas of products  
8 acquired by authorization of this chapter may be revealed to any state  
9 or federal agency consulted and may be revealed at a public hearing or  
10 in findings of fact issued by the director.

11           (3) If the director proposes to release for inspection or to reveal  
12 at a public hearing or in findings of fact issued by the director,  
13 information that the applicant or registrant believes to be protected  
14 from disclosure under subsection (2) of this section, he or she shall  
15 notify the applicant or registrant in writing, by certified mail. The  
16 director may not make this data available for inspection nor reveal the  
17 information at a public hearing or in findings of fact issued by the  
18 director until thirty days after receipt of the notice by the applicant  
19 or registrant. During this period, the applicant or registrant may  
20 withdraw the application or may institute an action in the superior  
21 court of Thurston county for a declaratory judgment as to whether the  
22 information is subject to protection under subsection (2) of this  
23 section.

24           NEW SECTION.   **Sec. 10.** COMPLIANCE AGREEMENTS. The director may  
25 enter into compliance agreements with a person engaged in growing,  
26 handling, or moving articles, bees, plants, or plant products regulated  
27 under this chapter.

1        NEW SECTION.    **Sec. 11.**    PROHIBITED ACTS.    It shall be unlawful for

2 a person to:

3        (1) Sell, offer for sale, or distribute a noxious weed or a plant  
4 or plant product or regulated article infested or infected with a plant  
5 pest declared by rule to be a threat to the state's forest,  
6 agricultural, horticultural, floricultural, or beekeeping industries or  
7 environment;

8        (2) Knowingly receive a noxious weed, or a plant, plant product,  
9 bees, bee hive or appliances, or regulated article sold, given away,  
10 carried, shipped, or delivered for carriage or shipment within this  
11 state, in violation of the provisions of this chapter or the rules  
12 adopted under this chapter;

13        (3) Fail to immediately notify the department and isolate and hold  
14 the noxious weed, bees, bee hives or appliances, plants or plant  
15 products, or other thing unopened or unused subject to inspection or  
16 other disposition as may be provided by the department, where the item  
17 has been received without knowledge of the violation and the receiver  
18 has become subsequently aware of the potential problem;

19        (4) Knowingly conceal or willfully withhold available information  
20 regarding an infected or infested plant, plant product, regulated  
21 article, or noxious weed;

22        (5) Introduce or move into this state, or to move or dispose of in  
23 this state, a plant, plant product, or other item included in a  
24 quarantine, except under rules as may be prescribed by the department,  
25 after a quarantine order has been adopted under this chapter against a  
26 place, nursery, orchard, vineyard, apiary, other agricultural  
27 establishment, county of this state, another state, territory, or a  
28 foreign country as to a plant pest, bee pest, or noxious weed or  
29 genetically engineered plant or plant pest organism, until such  
30 quarantine is removed.

1        NEW SECTION.    **Sec. 12.**    IMPOUND AND DISPOSITION.    (1) If upon  
2 inspection, the director finds that an inspected plant or plant product  
3 or bees are infected or infested or that a regulated article is being  
4 held or transported in violation of a rule or quarantine of the  
5 department, the director shall notify the owner that a violation of  
6 this chapter exists. The director may impound or order the impounding  
7 of the infected or infested or regulated article in such a manner as  
8 may be necessary to prevent the threat of infestation. The notice  
9 shall be in writing and sent by certified mail or personal service  
10 identifying the impounded article and giving notice that the articles  
11 will be treated, returned to the shipper or to a quarantined area, or  
12 destroyed in a manner as to prevent infestation. The impounded article  
13 shall not be destroyed unless the director determines that (a) no  
14 effective treatment can be carried out; and (b) the impounded article  
15 cannot be returned to the shipper or shipped back to a quarantine area  
16 without threat of infestation to this state; and (c) mere possession by  
17 the owner constitutes an emergency.

18        (2) Before taking action to treat, return, or destroy the impounded  
19 article, the director shall notify the owner of the owner's right to a  
20 hearing before the director under chapter 34.05 RCW. Within ten days  
21 after the notice has been given the owner may request a hearing. The  
22 request must be in writing.

23        (3) The cost to impound articles along with the cost, if any, to  
24 treat, return, or destroy the articles shall be at the owner's expense.  
25 The owner is not entitled to compensation for infested or infected  
26 articles destroyed by the department under this section.

27        NEW SECTION.    **Sec. 13.**    STATE-WIDE SURVEY AND CONTROL ACTIVITY.    If  
28 there is reason to believe that a plant or bee pest may adversely  
29 impact the forestry, agricultural, horticultural, floricultural, or

1 related industries of the state; or may cause harm to the environment  
2 of the state; or such information is needed to facilitate or allow the  
3 movement of forestry, agricultural, horticultural, or related products  
4 to out-of-state, foreign and domestic markets, the director may  
5 conduct, or cause to be conducted, surveys to determine the presence,  
6 absence, or distribution of a pest.

7 The director may take such measures as may be required to control  
8 or eradicate such pests where such measures are determined to be in the  
9 public interest, are technically feasible, and for which funds are  
10 appropriated or provided through cooperative agreements.

11 NEW SECTION. **Sec. 14.** DIRECTOR'S COOPERATION WITH OTHER AGENCIES.  
12 The director may enter into cooperative arrangements with a person,  
13 municipality, county, Washington State University or any of its  
14 experiment stations, or other agencies of this state, and with boards,  
15 officers, and authorities of other states and the United States,  
16 including the United States department of agriculture, for the  
17 inspection of bees, plants and plant parts and products and the control  
18 or eradication of plant pests, bee pests, or noxious weeds and to carry  
19 out other provisions of this chapter.

20 NEW SECTION. **Sec. 15.** ACQUISITION OF LANDS, WATER SUPPLY, OR  
21 OTHER PROPERTIES FOR QUARANTINE LOCATIONS. The director may acquire,  
22 in fee or in trust, by gift, or whenever funds are appropriated for  
23 such purposes, by purchase, easement, lease, or condemnation, lands or  
24 other property, water supplies, as may be deemed necessary for use by  
25 the department for establishing quarantine stations for the purpose of  
26 the isolation, prevention, eradication, elimination, and control of  
27 insect pests or plant pathogens that affect the agricultural or  
28 horticultural products of the state; for the propagation of biological

1 control agents; or the isolation of genetically engineered plants or  
2 plant pests; or the isolation of bee pests.

3 NEW SECTION. **Sec. 16.** REQUESTED INSPECTIONS--FEE FOR SERVICE. To  
4 facilitate the movement or sale of forest, agricultural, floricultural,  
5 horticultural and related products, or bees and related products, the  
6 director may provide, if requested by farmers, growers, or other  
7 interested persons, special inspections, pest identifications, plant  
8 identifications, plant diagnostic services, other special  
9 certifications and activities not otherwise authorized by statute and  
10 to prescribe a fee for that service. The fee shall, as closely as  
11 practical, cover the cost of the service rendered, including the  
12 salaries and expenses of the personnel involved. Moneys collected  
13 shall be deposited in the plant pest account, which is hereby created  
14 within the agricultural local fund. No appropriation is required for  
15 disbursement from the plant pest account to provide the services  
16 authorized by this section.

17 NEW SECTION. **Sec. 17.** PENALTIES--CRIMINAL AND CIVIL PENALTY. A  
18 person who violates or fails to comply with this chapter or rules  
19 adopted under this chapter shall be guilty of a misdemeanor punishable  
20 to the same extent as a misdemeanor that is punishable under RCW  
21 9A.20.021. A person who fails to comply with this chapter or rules  
22 adopted under this chapter may be subject to a civil penalty, as  
23 determined by the director, in an amount of not more than five thousand  
24 dollars for each violation. Each violation shall be a separate and  
25 distinct offense. A person who knowingly, through an act of commission  
26 or omission, procures or aids or abets in the violation shall be  
27 considered to have violated this section and may be subject to the  
28 civil penalty.

1        NEW SECTION.    **Sec. 18.**    VIOLATIONS--COSTS OF CONTROL.    A person  
2 who, through a knowing and willful violation of a quarantine  
3 established under this chapter, causes an infestation to become  
4 established, may be required to pay the costs of public control or  
5 eradication measures caused as a result of that violation.

6        NEW SECTION.    **Sec. 19.**    FUNDS FOR TECHNICAL AND SCIENTIFIC  
7 SERVICES.    The director may, at the director's discretion, provide  
8 funds for technical or scientific services, labor, materials and  
9 supplies, and biological control agents for the control of plant pests,  
10 bee pests, and noxious weeds.

11       NEW SECTION.    **Sec. 20.**    DETERMINATION OF IMMINENT DANGER OF  
12 INFESTATION OF PLANT PESTS OR PLANT DISEASES--EMERGENCY MEASURES--  
13 CONDITIONS--PROCEDURES.    (1) If the director determines that there  
14 exists an imminent danger of an infestation of plant pests or plant  
15 diseases that seriously endangers the agricultural or horticultural  
16 industries of the state, or that seriously threatens life, health, or  
17 economic well-being, the director shall request the governor to order  
18 emergency measures to control the pests or plant diseases under RCW  
19 43.06.010(14).    The director's findings shall contain an evaluation of  
20 the affect of the emergency measures on public health.

21        (2) If an emergency is declared pursuant to RCW 43.06.010(14), the  
22 director may appoint a committee to advise the governor through the  
23 director and to review emergency measures necessary under the authority  
24 of RCW 43.06.010(14) and this section and make subsequent  
25 recommendations to the governor.    The committee shall include  
26 representatives of the agricultural industries, state and local  
27 government, public health interests, technical service providers, and  
28 environmental organizations.

1 (3) Upon the order of the governor of the use of emergency  
2 measures, the director is authorized to implement the emergency  
3 measures to prevent, control, or eradicate plant pests or plant  
4 diseases that are the subject of the emergency order.

5 (4) Upon the order of the governor of the use of emergency  
6 measures, the director is authorized to enter into agreements with  
7 individuals or companies, or both, to accomplish the prevention,  
8 control, or eradication of plant pests or plant diseases,  
9 notwithstanding the provisions of chapter 15.58 or 17.21 RCW, or any  
10 other statute.

11 (5) The director shall continually evaluate the emergency measures  
12 taken and report to the governor at intervals of not less than ten  
13 days. The director shall immediately advise the governor if he or she  
14 finds that the emergency no longer exists or if certain emergency  
15 measures should be discontinued.

16 **Sec. 21.** RCW 43.06.010 and 1982 c 153 s 1 are each amended to read  
17 as follows:

18 In addition to those prescribed by the Constitution, the governor  
19 may exercise the powers and perform the duties prescribed in this and  
20 the following sections:

21 (1) The governor shall supervise the conduct of all executive and  
22 ministerial offices;

23 (2) The governor shall see that all offices are filled, and the  
24 duties thereof performed, or in default thereof, apply such remedy as  
25 the law allows; and if the remedy is imperfect, acquaint the  
26 legislature therewith at its next session;

27 (3) The governor shall make the appointments and supply the  
28 vacancies mentioned in this title;

1 (4) The governor is the sole official organ of communication  
2 between the government of this state and the government of any other  
3 state or territory, or of the United States;

4 (5) Whenever any suit or legal proceeding is pending against this  
5 state, or which may affect the title of this state to any property, or  
6 which may result in any claim against the state, the governor may  
7 direct the attorney general to appear on behalf of the state, and  
8 report the same to the governor, or to any grand jury designated by the  
9 governor, or to the legislature when next in session;

10 (6) The governor may require the attorney general or any  
11 prosecuting attorney to inquire into the affairs or management of any  
12 corporation existing under the laws of this state, or doing business in  
13 this state, and report the same to the governor, or to any grand jury  
14 designated by the governor, or to the legislature when next in session;

15 (7) The governor may require the attorney general to aid any  
16 prosecuting attorney in the discharge of his duties;

17 (8) The governor may offer rewards, not exceeding one thousand  
18 dollars in each case, payable out of the state treasury, for  
19 information leading to the apprehension of any person convicted of a  
20 felony who has escaped from a state correctional institution or for  
21 information leading to the arrest of any person who has committed or is  
22 charged with the commission of a felony;

23 (9) The governor shall perform such duties respecting fugitives  
24 from justice as are prescribed by law;

25 (10) The governor shall issue and transmit election proclamations  
26 as prescribed by law;

27 (11) The governor may require any officer or board to make, upon  
28 demand, special reports to the governor, in writing;

29 (12) The governor may, after finding that a public disorder,  
30 disaster, energy emergency, or riot exists within this state or any

1 part thereof which affects life, health, property, or the public peace,  
2 proclaim a state of emergency in the area affected, and the powers  
3 granted the governor during a state of emergency shall be effective  
4 only within the area described in the proclamation;

5 (13) The governor shall, when appropriate, submit to the select  
6 joint committee created by RCW 43.131.120, lists of state agencies, as  
7 defined by RCW 43.131.030, which agencies might appropriately be  
8 scheduled for termination by a bill proposed by the select joint  
9 committee;

10 (14) The governor may, after finding that there exists within this  
11 state an imminent danger of infestation of plant pests as defined in  
12 (~~RCW 17.24.005~~) section 3 of this act or plant diseases which  
13 seriously endangers the agricultural or horticultural industries of the  
14 state of Washington, or which seriously threatens life, health, or  
15 economic well-being, order emergency measures to prevent or abate the  
16 infestation or disease situation, which measures, after thorough  
17 evaluation of all other alternatives, may include the aerial  
18 application of pesticides.

19 NEW SECTION. **Sec. 22.** The following acts or parts of acts are  
20 each repealed:

21 (1) RCW 17.24.005 and 1981 c 296 s 36;

22 (2) RCW 17.24.030 and 1981 c 296 s 24 & 1927 c 292 s 2;

23 (3) RCW 17.24.035 and 1981 c 296 s 25 & 1927 c 292 s 3;

24 (4) RCW 17.24.060 and 1927 c 292 s 4;

25 (5) RCW 17.24.070 and 1927 c 292 s 5;

26 (6) RCW 17.24.080 and 1927 c 292 s 6;

27 (7) RCW 17.24.100 and 1981 c 296 s 26 & 1927 c 292 s 7;

28 (8) RCW 17.24.105 and 1981 c 296 s 27 & 1947 c 156 s 1;

1 (9) RCW 17.24.110 and 1981 c 296 s 28, 1977 ex.s. c 169 s 5, & 1947  
2 c 156 s 2;

3 (10) RCW 17.24.120 and 1947 c 156 s 3;

4 (11) RCW 17.24.130 and 1947 c 156 s 4;

5 (12) RCW 17.24.140 and 1981 c 296 s 29 & 1947 c 156 s 5;

6 (13) RCW 17.24.200 and 1982 c 153 s 2; and

7 (14) RCW 17.24.210 and 1982 c 153 s 3.

8 NEW SECTION. **Sec. 23.** Captions as used in sections 2 through 20  
9 of this act constitute no part of the law.

10 NEW SECTION. **Sec. 24.** Sections 2 through 20 of this act are each  
11 added to chapter 17.24 RCW.