

# SENATE BILL REPORT

## ESSB 5263

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As Passed Senate, February 27, 2017

**Title:** An act relating to procurement of seeds by state agencies.

**Brief Description:** Concerning the procurement of seeds by state agencies.

**Sponsors:** Senate Committee on Agriculture, Water, Trade & Economic Development (originally sponsored by Senator Warnick).

**Brief History:**

**Committee Activity:** Agriculture, Water, Trade & Economic Development: 1/31/17, 2/14/17 [DPS].

**Floor Activity:**

Passed Senate: 2/27/17, 49-0.

**Brief Summary of Engrossed First Substitute Bill**

- Obligates state agencies, when purchasing seed through a contract that is over \$2,500 in value, to require suppliers of seed to ensure the identity and purity of the seed through appropriate testing.
- Requires state agencies to include the agency's expectations for the germination or viability of the seed in seed purchase contracts over \$2,500 in value.

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**SENATE COMMITTEE ON AGRICULTURE, WATER, TRADE & ECONOMIC DEVELOPMENT**

**Majority Report:** That Substitute Senate Bill No. 5263 be substituted therefor, and the substitute bill do pass.

Signed by Senators Warnick, Chair; Hawkins, Vice Chair; Chase, Ranking Minority Member; Wellman, Assistant Ranking Minority Member; Brown, Honeyford, McCoy, Pearson, Short, Takko and Van De Wege.

**Staff:** Greg Vogel (786-7413)

**Background:** Procurement by State Agencies. State agencies must comply with various requirements in the procurement of goods and services. Requirements relate to things like

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mandating competitive solicitations of contract bids, following uniform procedures for evaluating whether a bidder is responsible and whether the bid offers the best value, providing for a transparent complaint process, and requiring a successful bidder to post a bond.

WSDA Seed Program. The Washington State Seed Act (Seed Act) serves to provide uniformity and consistency in the packaging of agricultural, vegetable, and flower seeds. The Washington State Department of Agriculture (WSDA) administers the Seed Act. The program conducts pre-harvest field inspections and laboratory testing of agricultural, vegetable, and flower seeds grown under the seed program. The program tests seed samples submitted by seed growers and companies to determine compliance with purity and germination standards and to certify seeds for domestic and international marketing. The program provides for labeling of seeds in commerce.

**Summary of Engrossed First Substitute Bill:** When purchasing seed through a contract that is over \$2,500 in value, state agencies must require suppliers of seed to ensure the identity and purity of the seed through appropriate testing performed by WSDA or by any other agency authorized under the laws of any state, territory, or possession that has standards and procedures approved by the United States Secretary of Agriculture.

Tree seed, seed of woody species, and seed of aquatic species are exempt.

All agency contracts for the purchase of seed over \$2,500 in value are required to include the agency's expectations for the germination or viability of the seed as an essential element of the supplier's performance under the contract. An agency may not structure what would naturally be one contract into multiple contracts for the purpose of avoiding the \$2,500 threshold.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony on Original Bill:** *The committee recommended a different version of the bill than what was heard.* PRO: When state agencies are buying seed, it is important to know if the seeds are pure. This bill is asking suppliers to ensure the identity and purity of seed and uses the Department of Agriculture lab to provide testing. It is very expensive for agencies if they end up with the wrong seed and have to replant. This bill keeps the system viable and suppliers accountable.

**Persons Testifying:** PRO: Senator Judy Warnick, Prime Sponsor.

**Persons Signed In To Testify But Not Testifying:** No one.