

**SHB 2147** - S COMM AMD

By Committee on Agriculture, Water, Natural Resources & Parks

**ADOPTED 02/29/2024**

1 Strike everything after the enacting clause and insert the  
2 following:

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

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

17 (3) In order to better protect Washington's food and agricultural  
18 economy, public health, and the environment, the legislature intends  
19 to provide more reliable and readily available funding to prevent,  
20 quickly detect, and rapidly respond to emerging threats from  
21 agricultural pests and diseases.

22 NEW SECTION. **Sec. 2.** (1) The agricultural pest and disease  
23 response account is created in the state treasury. All receipts from  
24 moneys received pursuant to section 3 of this act, moneys  
25 appropriated to the account by the legislature, or moneys directed to  
26 the account from any other lawful source, for the purpose of funding  
27 emerging agricultural pest and disease response activities, must be  
28 deposited into the account. Moneys in the account may be spent only  
29 after appropriation.

1 (2) Following a declaration of emergency under RCW 17.24.171 or  
2 issuance of a quarantine order under RCW 16.36.010 or 17.24.041,  
3 expenditures from the account may be used only for activities  
4 necessary to respond to emerging agricultural pest and disease  
5 threats in order to protect the food and agricultural economy of the  
6 state, the public health of the state, or the environment of the  
7 state including, but not limited to, actions authorized under this  
8 chapter and chapters 15.08, 16.36, 16.38, and 17.24 RCW.

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

13 NEW SECTION. **Sec. 3.** Upon the issuance of a declaration of  
14 emergency under RCW 17.24.171 or a quarantine order under RCW  
15 16.36.010 or 17.24.041, the state treasurer shall transfer from the  
16 general fund to the agricultural pest and disease response account  
17 created in section 2 of this act those amounts necessary to bring the  
18 balance of the agricultural pest and disease response account to  
19 \$2,000,000, based upon the determination of the transfer amount from  
20 the office of financial management. The office of financial  
21 management must determine the fund balance of the agricultural pest  
22 and disease response account as of the previous fiscal month before  
23 the issuance of a declaration of emergency or a quarantine order. The  
24 office of financial management must promptly notify the state  
25 treasurer and the department of the account balance and the necessary  
26 transfer amount once a determination is made. A transfer based on the  
27 determination by the office of financial management may be made only  
28 once every fiscal year.

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

31 (1) If the director determines that there exists an imminent  
32 danger of an infestation of plant pests or plant diseases that  
33 seriously endangers the agricultural or horticultural industries of  
34 the state, or that seriously threatens life, health, economic well-  
35 being, or the environment, the director shall request the governor to  
36 order emergency measures to control the pests or plant diseases under  
37 RCW 43.06.010(13). The director's findings shall contain an  
38 evaluation of the affect of the emergency measures on public health.

1 (2) If an emergency is declared pursuant to RCW 43.06.010(13),  
2 the director may appoint a committee to advise the governor through  
3 the director and to review emergency measures necessary under the  
4 authority of RCW 43.06.010(13) and this section and make subsequent  
5 recommendations to the governor. (~~The committee shall include~~  
6 ~~representatives of the agricultural industries, state and local~~  
7 ~~government, public health interests, technical service providers, and~~  
8 ~~environmental organizations.~~) Invitations to participate on the  
9 committee must include representatives of the affected agricultural  
10 industries, state and local government, federally recognized tribes,  
11 public health interests, technical service providers, and  
12 environmental organizations.

13 (3) Upon the order of the governor of the use of emergency  
14 measures, the director is authorized to implement the emergency  
15 measures to prevent, control, or eradicate plant pests or plant  
16 diseases that are the subject of the emergency order. Such measures,  
17 after thorough evaluation of all other alternatives, may include the  
18 aerial application of pesticides.

19 (4) Upon the order of the governor of the use of emergency  
20 measures, the director is authorized to enter into agreements with  
21 individuals, companies, or agencies, to accomplish the prevention,  
22 control, or eradication of plant pests or plant diseases,  
23 notwithstanding the provisions of chapter 15.58 or 17.21 RCW, or any  
24 other statute.

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

30 NEW SECTION. Sec. 5. Sections 2 and 3 of this act are each  
31 added to chapter 43.23 RCW."

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1        On page 1, line 1 of the title, after "response;" strike the  
2 remainder of the title and insert "amending RCW 17.24.171; adding new  
3 sections to chapter 43.23 RCW; and creating a new section."

EFFECT: Requires the state treasurer to transfer from the general fund the amounts necessary to bring the balance of the agricultural pest and disease response account to \$2,000,000 in each year that there is a qualifying emergency or quarantine.

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