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**SUBSTITUTE SENATE BILL 6036**

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**State of Washington**

**68th Legislature**

**2024 Regular Session**

**By** Senate Ways & Means (originally sponsored by Senators Muzzall, Braun, Lias, Nobles, and Van De Wege; by request of Department of Agriculture)

READ FIRST TIME 02/05/24.

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 a new section.

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.

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