

CERTIFICATION OF ENROLLMENT
SUBSTITUTE HOUSE BILL 1956

Chapter 257, Laws of 1991

52nd Legislature
1991 Regular Session

HORTICULTURAL PEST AND DISEASE CONTROL

EFFECTIVE DATE: 5/17/91

Passed by the House April 28, 1991
Yeas 98 Nays 0

JOE KING
Speaker of the
House of Representatives

Passed by the Senate April 27, 1991
Yeas 41 Nays 0

JOEL PRITCHARD
President of the Senate

Approved May 17, 1991

BOOTH GARDNER
Governor of the State of Washington

CERTIFICATE

I, Alan Thompson, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1956** as passed by the House of Representatives and the Senate on the dates hereon set forth.

ALAN THOMPSON
Chief Clerk

FILED

May 17, 1991 - 10:39 a.m.

Secretary of State
State of Washington

SUBSTITUTE HOUSE BILL 1956

AS AMENDED BY THE SENATE

Passed Legislature - 1991 Regular Session

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, 15.26.155, and 43.06.010; adding new sections to chapter
3 17.24 RCW; creating a new section; repealing RCW 17.24.005, 17.24.030,
4 17.24.035, 17.24.060, 17.24.070, 17.24.080, 17.24.105, 17.24.110,
5 17.24.120, 17.24.130, 17.24.140, and 17.24.200; prescribing penalties;
6 and declaring an emergency.

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 **Sec. 2.** RCW 15.26.155 and 1983 c 281 s 3 are each amended to read
24 as follows:

25 The producers of tree fruit subject to the provisions of this
26 chapter may at any time, by referendum conducted by the department and
27 approved by a majority of the producers voting, establish an additional
28 assessment for programs including but not limited to sanitation
29 programs and the reregistration of plant protection products for use on

1 minor crops. (~~(The total amount assessed for any specific industry~~
2 ~~service program under this section shall not exceed one hundred~~
3 ~~thousand dollars in any single crop year.)~~) The members of the
4 commission may, subject to approval by two-thirds of the voting members
5 of the commission, suspend all or part of the assessments on tree fruit
6 under this section.

7 NEW SECTION. Sec. 3. PURPOSE. The purpose of this chapter is to
8 provide a strong system for the exclusion of plant and bee pests and
9 diseases through regulation of movement and quarantines of infested
10 areas to protect the forest, agricultural, horticultural,
11 floricultural, and apiary industries of the state; plants and shrubs
12 within the state; and the environment of the state from the impact of
13 insect pests, plant pathogens, noxious weeds, and bee pests and the
14 public and private costs that result when these infestations become
15 established.

16 NEW SECTION. Sec. 4. DEFINITIONS. Unless the context clearly
17 requires otherwise, the definitions in this section apply throughout
18 this chapter.

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

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

22 (3) "Quarantine" means a rule issued by the department that
23 prohibits or regulates the movement of articles, bees, plants, or plant
24 products from designated quarantine areas within or outside the state
25 to prevent the spread of disease, plant pathogens, or pests to
26 nonquarantine areas.

27 (4) "Plant pest" means a living stage of an insect, mite, nematode,
28 slug, snail, or protozoa, or other invertebrate animal, bacteria,

1 fungus, or parasitic plant, or their reproductive parts, or viruses, or
2 an organism similar to or allied with any of the foregoing plant pests,
3 including a genetically engineered organism, or an infectious substance
4 that can directly or indirectly injure or cause disease or damage in
5 plants or parts of plants or in processed, manufactured, or other
6 products of plants.

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

11 (6) "Certificate" or "certificate of inspection" means an official
12 document certifying compliance with the requirements of this chapter.
13 The term "certificate" includes labels, rubber stamp imprints, tags,
14 permits, written statements, or a form of inspection and certification
15 document that accompanies the movement of inspected and certified plant
16 material and plant products, or bees, bee hives, or beekeeping
17 equipment.

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

23 (8) "Distribution" means the movement of a regulated article from
24 the property where it is grown or kept, to property that is not
25 contiguous to the property, regardless of the ownership of the
26 properties.

27 (9) "Genetically engineered organism" means an organism altered or
28 produced through genetic modification from a donor, vector, or
29 recipient organism using recombinant DNA techniques, excluding those

1 organisms covered by the food, drug and cosmetic act (21 U.S.C. Secs.
2 301-392).

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

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

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

13 (13) "Regulated article" means a plant or plant product, bees or
14 beekeeping equipment, noxious weed or other articles or equipment
15 capable of harboring or transporting plant or bee pests or noxious
16 weeds that is specifically addressed in rules or quarantines adopted
17 under this chapter.

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

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

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

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

29 (18) "Biological control" means the use by humans of living
30 organisms to control or suppress undesirable animals and plants; the

1 action of parasites, predators, or pathogens on a host or prey
2 population to produce a lower general equilibrium than would prevail in
3 the absence of these agents.

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

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

13 NEW SECTION. **Sec. 5.** REGULATION OF PLANT, PLANT PRODUCT, AND BEE
14 MOVEMENT. Notwithstanding the provisions of section 8 of this act, the
15 director may:

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

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

24 NEW SECTION. **Sec. 6.** INSPECTION AND INVESTIGATION. (1) The
25 director may intercept and hold or order held for inspection, or cause
26 to be inspected while in transit or after arrival at their destination,
27 all plants, plant products, bees, or other articles likely to carry
28 plant pests, bee pests, or noxious weeds being moved into this state

1 from another state, territory, or a foreign country or within or
2 through this state for plant and bee pests and disease.

3 (2) The director may enter upon public and private premises at
4 reasonable times for the purpose of carrying out this chapter. If the
5 director be denied access, the director may apply to any court of
6 competent jurisdiction for a search warrant authorizing access to such
7 premises. The court may upon such application issue the search warrant
8 for the purposes requested.

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

12 NEW SECTION. **Sec. 7.** DETERMINATION OF ORIGIN. The director may
13 demand of a person who has in his or her possession or under his or her
14 control, plants, bees, plant products, or other articles that may carry
15 plant pests, bee pests, or noxious weeds, full information as to the
16 origin and source of these items. Failure to provide that information,
17 if known, may subject the person to a civil penalty.

18 NEW SECTION. **Sec. 8.** POWER TO ADOPT QUARANTINE MEASURES--RULES.
19 If determined to be necessary to protect the forest, agricultural,
20 horticultural, floricultural, beekeeping, or environmental interests of
21 this state, the director may declare a quarantine against an area,
22 place, nursery, orchard, vineyard, apiary, or other agricultural
23 establishment, county or counties within the state, or against other
24 states, territories, or foreign countries, or a portion of these areas,
25 in reference to plant pests, or bee pests, or noxious weeds, or
26 genetically engineered plant or plant pest organisms. The director may
27 prohibit the movement of all regulated articles from such quarantined
28 places or areas that are likely to contain such plant pests or noxious

1 weeds or genetically engineered plant, plant pest, or bee pest
2 organisms. The quarantine may be made absolute or rules may be adopted
3 prescribing the conditions under which the regulated articles may be
4 moved into, or sold, or otherwise disposed of in the state.

5 NEW SECTION. **Sec. 9.** INTRODUCTION OF PLANT PESTS, NOXIOUS WEEDS,
6 OR ORGANISMS AFFECTING PLANT LIFE. The introduction into or release
7 within the state of a plant pest, noxious weeds, bee pest, or any other
8 organism that may directly or indirectly affect the plant life of the
9 state as an injurious pest, parasite, predator, or other organism is
10 prohibited, except under special permit issued by the department under
11 rules adopted by the director. A special permit is not required for
12 the introduction or release within the state of a genetically
13 engineered plant or plant pest organism if the introduction or release
14 has been approved under provisions of federal law and the department
15 has been notified of the planned introduction or release. The
16 department shall be the sole issuing agency for the permits. Except
17 for research projects approved by the department, no permit for a
18 biological control agent shall be issued unless the department has
19 determined that the parasite, predator, or plant pathogen is target
20 organism or plant specific and not likely to become a pest of nontarget
21 plants or other beneficial organisms. The director may also exclude
22 biological control agents that are infested with parasites determined
23 to be detrimental to the biological control efforts of the state. The
24 department may rely upon findings of the United States department of
25 agriculture or any experts that the director may deem appropriate in
26 making a determination about the threat posed by such organisms. In
27 addition, the director may request confidential business information
28 subject to the conditions in section 10 of this act.

1 Plant pests, noxious weeds, or other organisms introduced into or
2 released within this state in violation of this section shall be
3 subject to detention and disposition as otherwise provided in this
4 chapter.

5 NEW SECTION. **Sec. 10.** PROTECTION OF PRIVILEGED OR CONFIDENTIAL
6 INFORMATION--PROCEDURE--NOTICE--DECLARATORY JUDGMENT. (1) In
7 submitting data required by this chapter, the applicant may: (a) Mark
8 clearly portions of data which in his or her opinion are trade secrets
9 or commercial or financial information; and (b) submit the marked
10 material separately from other material required to be submitted under
11 this chapter.

12 (2) Notwithstanding any other provision of this chapter or other
13 law, the director shall not make information submitted by an applicant
14 or registrant under this chapter available to the public if, in the
15 judgment of the director, the information is privileged or confidential
16 because it contains or relates to trade secrets or commercial or
17 financial information. Where necessary to carry out the provisions of
18 this chapter, information relating to unpublished formulas of products
19 acquired by authorization of this chapter may be revealed to any state
20 or federal agency consulted and may be revealed at a public hearing or
21 in findings of fact issued by the director.

22 (3) If the director proposes to release for inspection or to reveal
23 at a public hearing or in findings of fact issued by the director,
24 information that the applicant or registrant believes to be protected
25 from disclosure under subsection (2) of this section, he or she shall
26 notify the applicant or registrant in writing, by certified mail. The
27 director may not make this data available for inspection nor reveal the
28 information at a public hearing or in findings of fact issued by the
29 director until thirty days after receipt of the notice by the applicant

1 or registrant. During this period, the applicant or registrant may
2 withdraw the application or may institute an action in the superior
3 court of Thurston county for a declaratory judgment as to whether the
4 information is subject to protection under subsection (2) of this
5 section.

6 NEW SECTION. **Sec. 11.** COMPLIANCE AGREEMENTS. The director may
7 enter into compliance agreements with a person engaged in growing,
8 handling, or moving articles, bees, plants, or plant products regulated
9 under this chapter.

10 NEW SECTION. **Sec. 12.** PROHIBITED ACTS. It shall be unlawful for
11 a person to:

12 (1) Sell, offer for sale, or distribute a noxious weed or a plant
13 or plant product or regulated article infested or infected with a plant
14 pest declared by rule to be a threat to the state's forest,
15 agricultural, horticultural, floricultural, or beekeeping industries or
16 environment;

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

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

1 (4) Knowingly conceal or willfully withhold available information
2 regarding an infected or infested plant, plant product, regulated
3 article, or noxious weed;

4 (5) Introduce or move into this state, or to move or dispose of in
5 this state, a plant, plant product, or other item included in a
6 quarantine, except under rules as may be prescribed by the department,
7 after a quarantine order has been adopted under this chapter against a
8 place, nursery, orchard, vineyard, apiary, other agricultural
9 establishment, county of this state, another state, territory, or a
10 foreign country as to a plant pest, bee pest, or noxious weed or
11 genetically engineered plant or plant pest organism, until such
12 quarantine is removed.

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

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

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

10 NEW SECTION. **Sec. 14.** STATE-WIDE SURVEY AND CONTROL ACTIVITY. If
11 there is reason to believe that a plant or bee pest may adversely
12 impact the forestry, agricultural, horticultural, floricultural, or
13 related industries of the state; or may cause harm to the environment
14 of the state; or such information is needed to facilitate or allow the
15 movement of forestry, agricultural, horticultural, or related products
16 to out-of-state, foreign and domestic markets, the director may
17 conduct, or cause to be conducted, surveys to determine the presence,
18 absence, or distribution of a pest.

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

23 NEW SECTION. **Sec. 15.** DIRECTOR'S COOPERATION WITH OTHER AGENCIES.
24 The director may enter into cooperative arrangements with a person,
25 municipality, county, Washington State University or any of its
26 experiment stations, or other agencies of this state, and with boards,
27 officers, and authorities of other states and the United States,
28 including the United States department of agriculture, for the

1 inspection of bees, plants and plant parts and products and the control
2 or eradication of plant pests, bee pests, or noxious weeds and to carry
3 out other provisions of this chapter.

4 NEW SECTION. **Sec. 16.** ACQUISITION OF LANDS, WATER SUPPLY, OR
5 OTHER PROPERTIES FOR QUARANTINE LOCATIONS. The director may acquire,
6 in fee or in trust, by gift, or whenever funds are appropriated for
7 such purposes, by purchase, easement, lease, or condemnation, lands or
8 other property, water supplies, as may be deemed necessary for use by
9 the department for establishing quarantine stations for the purpose of
10 the isolation, prevention, eradication, elimination, and control of
11 insect pests or plant pathogens that affect the agricultural or
12 horticultural products of the state; for the propagation of biological
13 control agents; or the isolation of genetically engineered plants or
14 plant pests; or the isolation of bee pests.

15 NEW SECTION. **Sec. 17.** REQUESTED INSPECTIONS--FEE FOR SERVICE. To
16 facilitate the movement or sale of forest, agricultural, floricultural,
17 horticultural and related products, or bees and related products, the
18 director may provide, if requested by farmers, growers, or other
19 interested persons, special inspections, pest identifications, plant
20 identifications, plant diagnostic services, other special
21 certifications and activities not otherwise authorized by statute and
22 to prescribe a fee for that service. The fee shall, as closely as
23 practical, cover the cost of the service rendered, including the
24 salaries and expenses of the personnel involved. Moneys collected
25 shall be deposited in the plant pest account, which is hereby created
26 within the agricultural local fund. No appropriation is required for
27 disbursement from the plant pest account to provide the services
28 authorized by this section.

1 NEW SECTION. **Sec. 18.** PENALTIES--CRIMINAL AND CIVIL PENALTY.

2 Whenever the director finds that a person has committed a violation of
3 any of the provisions of this chapter, and that violation has not been
4 punished pursuant to RCW 17.24.100, the director may impose upon and
5 collect from the violator a civil penalty not exceeding five thousand
6 dollars per violation. Each violation shall be a separate and distinct
7 offense. A person who knowingly, through an act of commission or
8 omission, procures or aids or abets in the violation shall be
9 considered to have violated this section and may be subject to the
10 civil penalty.

11 NEW SECTION. **Sec. 19.** VIOLATIONS--COSTS OF CONTROL. A person

12 who, through a knowing and willful violation of a quarantine
13 established under this chapter, causes an infestation to become
14 established, may be required to pay the costs of public control or
15 eradication measures caused as a result of that violation.

16 NEW SECTION. **Sec. 20.** FUNDS FOR TECHNICAL AND SCIENTIFIC

17 SERVICES. The director may, at the director's discretion, provide
18 funds for technical or scientific services, labor, materials and
19 supplies, and biological control agents for the control of plant pests,
20 bee pests, and noxious weeds.

21 NEW SECTION. **Sec. 21.** DETERMINATION OF IMMINENT DANGER OF

22 INFESTATION OF PLANT PESTS OR PLANT DISEASES--EMERGENCY MEASURES--
23 CONDITIONS--PROCEDURES. (1) If the director determines that there
24 exists an imminent danger of an infestation of plant pests or plant
25 diseases that seriously endangers the agricultural or horticultural
26 industries of the state, or that seriously threatens life, health, or
27 economic well-being, the director shall request the governor to order

1 emergency measures to control the pests or plant diseases under RCW
2 43.06.010(14). The director's findings shall contain an evaluation of
3 the affect of the emergency measures on public health.

4 (2) If an emergency is declared pursuant to RCW 43.06.010(14), the
5 director may appoint a committee to advise the governor through the
6 director and to review emergency measures necessary under the authority
7 of RCW 43.06.010(14) and this section and make subsequent
8 recommendations to the governor. The committee shall include
9 representatives of the agricultural industries, state and local
10 government, public health interests, technical service providers, and
11 environmental organizations.

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

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

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

1 **Sec. 22.** RCW 43.06.010 and 1982 c 153 s 1 are each amended to read
2 as follows:

3 In addition to those prescribed by the Constitution, the governor
4 may exercise the powers and perform the duties prescribed in this and
5 the following sections:

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

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

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

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

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

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

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

1 (8) The governor may offer rewards, not exceeding one thousand
2 dollars in each case, payable out of the state treasury, for
3 information leading to the apprehension of any person convicted of a
4 felony who has escaped from a state correctional institution or for
5 information leading to the arrest of any person who has committed or is
6 charged with the commission of a felony;

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

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

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

13 (12) The governor may, after finding that a public disorder,
14 disaster, energy emergency, or riot exists within this state or any
15 part thereof which affects life, health, property, or the public peace,
16 proclaim a state of emergency in the area affected, and the powers
17 granted the governor during a state of emergency shall be effective
18 only within the area described in the proclamation;

19 (13) The governor shall, when appropriate, submit to the select
20 joint committee created by RCW 43.131.120, lists of state agencies, as
21 defined by RCW 43.131.030, which agencies might appropriately be
22 scheduled for termination by a bill proposed by the select joint
23 committee;

24 (14) The governor may, after finding that there exists within this
25 state an imminent danger of infestation of plant pests as defined in
26 (~~RCW 17.24.005~~) section 4 of this act or plant diseases which
27 seriously endangers the agricultural or horticultural industries of the
28 state of Washington, or which seriously threatens life, health, or
29 economic well-being, order emergency measures to prevent or abate the
30 infestation or disease situation, which measures, after thorough

1 evaluation of all other alternatives, may include the aerial
2 application of pesticides.

3 NEW SECTION. **Sec. 23.** The following acts or parts of acts are
4 each repealed:

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

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

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

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

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

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

11 (7) RCW 17.24.105 and 1981 c 296 s 27 & 1947 c 156 s 1;

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

14 (9) RCW 17.24.120 and 1947 c 156 s 3;

15 (10) RCW 17.24.130 and 1947 c 156 s 4;

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

17 (12) RCW 17.24.200 and 1982 c 153 s 2.

18 NEW SECTION. **Sec. 24.** Captions as used in sections 3 through 21
19 of this act constitute no part of the law.

20 NEW SECTION. **Sec. 25.** Sections 3 through 21 of this act are each
21 added to chapter 17.24 RCW.

22 NEW SECTION. **Sec. 26.** This act is necessary for the immediate
23 preservation of the public peace, health, or safety, or support of the
24 state government and its existing public institutions, and shall take
25 effect immediately.

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