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**HOUSE BILL 2147**

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**State of Washington 68th Legislature 2024 Regular Session**

**By** Representatives Dent, Chapman, Schmick, and Reeves; by request of Department of Agriculture

AN ACT Relating to agriculture pest and disease response; amending RCW 17.24.171; adding new sections to chapter 43.23 RCW; and creating new sections.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

NEW SECTION. **Sec.**  Sections 2 and 3 of this act are each added to chapter 43.23 RCW.

NEW SECTION. **Sec.**  If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2024, in the omnibus appropriations act, this act is null and void.

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