

SENATE BILL REPORT

SHB 2147

As Reported by Senate Committee On:
Agriculture, Water, Natural Resources & Parks, February 15, 2024
Ways & Means, February 22, 2024

Title: An act relating to agriculture pest and disease response.

Brief Description: Concerning agriculture pest and disease response.

Sponsors: House Committee on Appropriations (originally sponsored by Representatives Dent, Chapman, Schmick and Reeves; by request of Department of Agriculture).

Brief History: Passed House: 2/12/24, 97-0.

Committee Activity: Agriculture, Water, Natural Resources & Parks: 2/15/24 [DPA-WM].

Ways & Means: 2/22/24 [DPA (AWNPN)].

Brief Summary of Amended Bill

- Establishes the Agricultural Pest and Disease Response Account.
- Directs the state treasurer, upon the issuance of a declaration of emergency related to the infestation of plant pests or plant diseases or issuance of a quarantine order related to animal diseases or plant pests and diseases, to transfer to the account the amount needed to bring the balance of the account to up to \$2 million.
- Modifies the procedure for appointing emergency advisory committee members.

SENATE COMMITTEE ON AGRICULTURE, WATER, NATURAL RESOURCES & PARKS

Majority Report: Do pass as amended and be referred to Committee on Ways & Means.
Signed by Senators Van De Wege, Chair; Salomon, Vice Chair; Muzzall, Ranking

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Member; Liias, Shewmake, Short, Stanford, Wagoner and Warnick.

Staff: Karen Epps (786-7424)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: Do pass as amended by Committee on Agriculture, Water, Natural Resources & Parks.

Signed by Senators Robinson, Chair; Mullet, Vice Chair, Capital; Nguyen, Vice Chair, Operating; Gildon, Assistant Ranking Member, Operating; Schoesler, Ranking Member, Capital; Rivers, Assistant Ranking Member, Capital; Warnick, Assistant Ranking Member, Capital; Billig, Boehnke, Braun, Conway, Dhingra, Hasegawa, Hunt, Keiser, Muzzall, Pedersen, Randall, Saldaña, Torres, Van De Wege, Wagoner and Wellman.

Staff: Jed Herman (786-7346)

Background: The Washington Department of Agriculture (WSDA) was created in 1913 and is organized into five divisions, including commodity inspection, food safety, pesticide management, plant protection, and the state veterinarian. WSDA has a duty to promote and protect agriculture and its dependent rural community in Washington State. WSDA must carry out its assigned regulatory responsibilities to protect the public health and welfare.

The Director of WSDA (Director) has authority to impose quarantines and to take actions regarding plant pests and diseases under the state's plant pest and disease control laws. If determined to be necessary to protect the forest, agricultural, horticultural, floricultural, beekeeping, or environmental interests of this state, the Director may declare a quarantine against:

- an area, place, nursery, orchard, vineyard, apiary, or other agricultural establishment;
- a county or counties within the state;
- other states, territories, or foreign countries; or
- a portion of any of these areas.

The Director may prohibit the movement of all regulated articles from such quarantined places or areas likely to contain such plant pests or noxious weeds or genetically engineered plant, plant pest, or bee pest organisms.

The Animal Health Program, administered by WSDA, exists to protect the people of the state, their livestock, and other animals from harmful animal diseases. The program administers livestock disease eradication programs in cooperation with United States Department of Agriculture and regulates the movement and testing of animals coming into the state and being sold within the state. The Director is authorized to adopt rules that prevent the introduction of spreading of infectious diseases into the state. This includes the authority to adopt rules regarding the inspection and testing of all animals in the state or being imported into the state. The Director may issue a quarantine order and enforce the

quarantine of any animal or its reproductive products when any animal or its reproductive products are affected with or have been exposed to disease or when there is reasonable cause to investigate whether any animal or its reproductive products are affected with or have been exposed to disease, either within or outside the state.

If the Director determines 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 must request the Governor order emergency measures to control the pests or plant diseases-Declaration of Emergency.

If an emergency is declared, the Director may appoint a committee to advise the Governor and the Director, review emergency measures, and make recommendations. The committee must include representatives of the agricultural industries, state and local government, public health interests, technical service providers, and environmental organizations.

Summary of Amended Bill: The Agricultural Pest and Disease Response Account (account) is created in the state treasury. Following a Declaration of Emergency or issuance of a quarantine order related to animal diseases or plant pests and diseases, 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.

Upon the issuance of a Declaration of Emergency or issuance of a quarantine order related to animal diseases or plant pests and diseases, the state treasurer must transfer amounts necessary to bring the balance of the account to \$2 million from the general fund to the account, based upon the determination of the transfer amount from the Office of Financial Management (OFM). OFM must determine the fund balance of the account as of the previous fiscal month before the issuance of a declaration of emergency or a quarantine order. OFM must promptly notify the state treasurer and WSDA of the account balance and the necessary transfer amount once a determination is made. A transfer based on the determination by OFM may be made only once every fiscal year.

By October 1st following any fiscal year in which expenditures were made from the account, WSDA must provide the Director of OFM with a close-out cost summary of expenditures authorized for that fiscal year.

The Director of the WSDA must evaluate emergency measures taken in response to an imminent danger of infestation of plant pests or plant diseases and report to the Governor at least every 60 days instead of 10 days.

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.

EFFECT OF AGRICULTURE, WATER, NATURAL RESOURCES & PARKS COMMITTEE AMENDMENT(S):

- 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 million in each year that there is a qualifying emergency or quarantine.

Appropriation: None.

Fiscal Note: Available.

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 Substitute House Bill (Agriculture, Water, Natural Resources & Parks): *The committee recommended a different version of the bill than what was heard.* No public hearing was held.

Persons Testifying (Agriculture, Water, Natural Resources & Parks): N/A

Persons Signed In To Testify But Not Testifying (Agriculture, Water, Natural Resources & Parks): N/A

Staff Summary of Public Testimony on Bill as Amended by Agriculture, Water, Natural Resources & Parks (Ways & Means): No public hearing was held.

Persons Testifying (Ways & Means): N/A

Persons Signed In To Testify But Not Testifying (Ways & Means): N/A