
HOUSE BILL 1956

State of Washington 52nd Legislature 1991 Regular Session

By Representatives Rayburn, Nealey, McLean, Kremen, Chandler, Roland and Rasmussen; by request of Department of Agriculture.

Read first time February 15, 1991. Referred to Committee on Agriculture & Rural Development.

1 AN ACT Relating to protection of the plant industry; amending RCW
2 15.09.080 and 43.06.010; adding new sections to chapter 17.24 RCW;
3 creating a new section; repealing RCW 17.24.005, 17.24.030, 17.24.035,
4 17.24.060, 17.24.070, 17.24.080, 17.24.100, 17.24.105, 17.24.110,
5 17.24.120, 17.24.130, 17.24.140, 17.24.200, 17.24.210, 69.07.090, and
6 69.07.130; and prescribing penalties.

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 NEW SECTION. Sec. 2. PURPOSE. The purpose of this chapter is to
24 provide a strong system for the exclusion of plant and bee pests and
25 diseases through regulation of movement and quarantines of infested
26 areas to protect the forest, agricultural, horticultural,
27 floricultural, and apiary industries of the state; plants and shrubs
28 within the state; and the environment of the state from the impact of
29 insect pests, plant pathogens, noxious weeds, and bee pests and the

1 public and private costs that result when these infestations become
2 established.

3 NEW SECTION. **Sec. 3.** DEFINITIONS. Unless the context clearly
4 requires otherwise, the definitions in this section apply throughout
5 this chapter.

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

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

9 (3) "Quarantine" means a rule issued by the department that
10 prohibits or regulates the movement of articles, bees, plants, or plant
11 products from designated quarantine areas within or outside the state
12 to prevent the spread of disease, plant pathogens, or pests to
13 nonquarantine areas.

14 (4) "Plant pest" means a living stage of an insect, mite, nematode,
15 slug, snail, or protozoa, or other invertebrate animal, bacteria,
16 fungus, or parasitic plant, or their reproductive parts, or viruses, or
17 an organism similar to or allied with any of the foregoing plant pests,
18 including a genetically engineered organism, or an infectious substance
19 that can directly or indirectly injure or cause disease or damage in
20 plants or parts of plants or in processed, manufactured, or other
21 products of plants.

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

26 (6) "Certificate" or "certificate of inspection" means an official
27 document certifying compliance with the requirements of this chapter.
28 The term "certificate" includes labels, rubber stamp imprints, tags,
29 permits, written statements, or a form of inspection and certification

1 document that accompanies the movement of inspected and certified plant
2 material and plant products, or bees, bee hives, or beekeeping
3 equipment.

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

9 (8) "Distribution" means the movement of a regulated article from
10 the property where it is grown or kept, to property that is not
11 contiguous to the property, regardless of the ownership of the
12 properties.

13 (9) "Genetically engineered organism" means an organism altered or
14 produced through genetic modification from a donor, vector, or
15 recipient organism using recombinant DNA techniques, excluding those
16 organisms covered by the food, drug and cosmetic act (21 U.S.C. Secs.
17 301-392).

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

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

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

28 (13) "Regulated article" means a plant or plant product, bees or
29 beekeeping equipment, noxious weed or other articles or equipment
30 capable of harboring or transporting plant or bee pests or noxious

1 weeds that is specifically addressed in rules or quarantines adopted
2 under this chapter.

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

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

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

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

14 (18) "Biological control" means the use by humans of living
15 organisms to control or suppress undesirable animals and plants; the
16 action of parasites, predators, or pathogens on a host or prey
17 population to produce a lower general equilibrium than would prevail in
18 the absence of these agents.

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

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

1 NEW SECTION. **Sec. 4.** REGULATION OF PLANT, PLANT PRODUCT, AND BEE
2 MOVEMENT. Notwithstanding the provisions of section 7 of this act, the
3 director may:

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

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

12 NEW SECTION. **Sec. 5.** INSPECTION AND INVESTIGATION. (1) The
13 director may intercept and hold or order held for inspection, or cause
14 to be inspected while in transit or after arrival at their destination,
15 all plants, plant products, bees, or other articles likely to carry
16 plant pests, bee pests, or noxious weeds being moved into this state
17 from another state, territory, or a foreign country or within or
18 through this state for plant and bee pests and disease.

19 (2) The director may enter upon public and private premises at
20 reasonable times for the purpose of carrying out this chapter. If the
21 director be denied access, the director may apply to any court of
22 competent jurisdiction for a search warrant authorizing access to such
23 premises. The court may upon such application issue the search warrant
24 for the purposes requested.

25 (3) The director may adopt rules as may be necessary to carry out
26 the purposes and provisions of this chapter.

27 NEW SECTION. **Sec. 6.** DETERMINATION OF ORIGIN. The director may
28 demand of a person who has in his or her possession or under his or her

1 control, plants, bees, plant products, or other articles that may carry
2 plant pests, bee pests, or noxious weeds, full information as to the
3 origin and source of these items. Failure to provide that information,
4 if known, may subject the person to a civil penalty.

5 NEW SECTION. **Sec. 7.** POWER TO ADOPT QUARANTINE MEASURES--RULES.

6 If determined to be necessary to protect the forest, agricultural,
7 horticultural, floricultural, beekeeping, or environmental interests of
8 this state, the director may declare a quarantine against an area,
9 place, nursery, orchard, vineyard, apiary, or other agricultural
10 establishment, county or counties within the state, or against other
11 states, territories, or foreign countries, or a portion of these areas,
12 in reference to plant pests, or bee pests, or noxious weeds, or
13 genetically engineered plant or plant pest organisms. The director may
14 prohibit the movement of all regulated articles from such quarantined
15 places or areas that are likely to contain such plant pests or noxious
16 weeds or genetically engineered plant, plant pest, or bee pest
17 organisms. The quarantine may be made absolute or rules may be adopted
18 prescribing the conditions under which the regulated articles may be
19 moved into, or sold, or otherwise disposed of in the state.

20 NEW SECTION. **Sec. 8.** INTRODUCTION OF PLANT PESTS, NOXIOUS WEEDS,

21 OR ORGANISMS AFFECTING PLANT LIFE. The introduction into or release
22 within the state of a plant pest, noxious weeds, bee pest, or any other
23 organism that may directly or indirectly affect the plant life of the
24 state as an injurious pest, parasite, predator, or other organism is
25 prohibited, except under special permit issued by the department under
26 rules adopted by the director. A special permit is not required for
27 the introduction or release within the state of a genetically
28 engineered plant or plant pest organism if the introduction or release

1 has been approved under provisions of federal law and the department
2 has been notified of the planned introduction or release. The
3 department shall be the sole issuing agency for the permits. Except
4 for research projects approved by the department, no permit for a
5 biological control agent shall be issued unless the department has
6 determined that the parasite, predator, or plant pathogen is target
7 organism or plant specific and not likely to become a pest of nontarget
8 plants or other beneficial organisms. The director may also exclude
9 biological control agents that are infested with parasites determined
10 to be detrimental to the biological control efforts of the state. The
11 department may rely upon findings of the United States department of
12 agriculture or any experts that the director may deem appropriate in
13 making a determination about the threat posed by such organisms. In
14 addition, the director may request confidential business information
15 subject to the conditions in section 9 of this act.

16 Plant pests, noxious weeds, or other organisms introduced into or
17 released within this state in violation of this section shall be
18 subject to detention and disposition as otherwise provided in this
19 chapter.

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

27 (2) Notwithstanding any other provision of this chapter or other
28 law, the director shall not make public information that in his or her
29 judgment is privileged or confidential because it contains or relates

1 to trade secrets or commercial or financial information. Where
2 necessary to carry out the provisions of this chapter, information
3 relating to unpublished formulas of products acquired by authorization
4 of this chapter may be revealed to any state or federal agency
5 consulted and may be revealed at a public hearing or in findings of
6 fact issued by the director.

7 (3) If the director proposes to release for inspection or to reveal
8 at a public hearing or in findings of fact issued by the director,
9 information that the applicant or registrant believes to be protected
10 from disclosure under subsection (2) of this section, he or she shall
11 notify the applicant or registrant in writing, by certified mail. The
12 director may not make this data available for inspection nor reveal the
13 information at a public hearing or in findings of fact issued by the
14 director until thirty days after receipt of the notice by the applicant
15 or registrant. During this period, the applicant or registrant may
16 withdraw the application or may institute an action in the superior
17 court of Thurston county for a declaratory judgment as to whether the
18 information is subject to protection under subsection (2) of this
19 section.

20 NEW SECTION. **Sec. 10.** COMPLIANCE AGREEMENTS. The director may
21 enter into compliance agreements with a person engaged in growing,
22 handling, or moving articles, bees, plants, or plant products regulated
23 under this chapter.

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

26 (1) Sell, offer for sale, or distribute a noxious weed or a plant
27 or plant product or regulated article infested or infected with a plant
28 pest declared by rule to be a threat to the state's forest,

1 agricultural, horticultural, floricultural, or beekeeping industries or
2 environment;

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

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

14 (4) Knowingly conceal or willfully withhold available information
15 regarding an infected or infested plant, plant product, regulated
16 article, or noxious weed;

17 (5) Introduce or move into this state, or to move or dispose of in
18 this state, a plant, plant product, or other item included in a
19 quarantine, except under rules as may be prescribed by the department,
20 after a quarantine order has been adopted under this chapter against a
21 place, nursery, orchard, vineyard, apiary, other agricultural
22 establishment, county of this state, another state, territory, or a
23 foreign country as to a plant pest, bee pest, or noxious weed or
24 genetically engineered plant or plant pest organism, until such
25 quarantine is removed.

26 NEW SECTION. **Sec. 12.** IMPOUND AND DISPOSITION. (1) If upon
27 inspection, the director finds that an inspected plant or plant product
28 or bees are infected or infested or that a regulated article is being
29 held or transported in violation of a rule or quarantine of the

1 department, the director shall notify the owner that a violation of
2 this chapter exists. The director may impound or order the impounding
3 of the infected or infested or regulated article in such a manner as
4 may be necessary to prevent the threat of infestation. The notice
5 shall be in writing and sent by certified mail or personal service
6 identifying the impounded article and giving notice that the articles
7 will be treated, returned to the shipper or to a quarantined area, or
8 destroyed in a manner as to prevent infestation. The impounded article
9 shall not be destroyed unless the director determines that (a) no
10 effective treatment can be carried out; and (b) the impounded article
11 cannot be returned to the shipper or shipped back to a quarantine area
12 without threat of infestation to this state; and (c) mere possession by
13 the owner constitutes an emergency.

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

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

23 NEW SECTION. **Sec. 13.** STATE-WIDE SURVEY AND CONTROL ACTIVITY. If
24 there is reason to believe that a plant or bee pest may adversely
25 impact the forestry, agricultural, horticultural, floricultural, or
26 related industries of the state; or may cause harm to the environment
27 of the state; or such information is needed to facilitate or allow the
28 movement of forestry, agricultural, horticultural, or related products
29 to out-of-state, foreign and domestic markets, the director may

1 conduct, or cause to be conducted, surveys to determine the presence,
2 absence, or distribution of a pest.

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

7 NEW SECTION. **Sec. 14.** DIRECTOR'S COOPERATION WITH OTHER AGENCIES.

8 The director may enter into cooperative arrangements with a person,
9 municipality, county, Washington State University or any of its
10 experiment stations, or other agencies of this state, and with boards,
11 officers, and authorities of other states and the United States,
12 including the United States department of agriculture, for the
13 inspection of bees, plants and plant parts and products and the control
14 or eradication of plant pests, bee pests, or noxious weeds and to carry
15 out other provisions of this chapter.

16 NEW SECTION. **Sec. 15.** ACQUISITION OF LANDS, WATER SUPPLY, OR
17 OTHER PROPERTIES FOR QUARANTINE LOCATIONS. The director may acquire,
18 in fee or in trust, by gift, or whenever funds are appropriated for
19 such purposes, by purchase, easement, lease, or condemnation, lands or
20 other property, water supplies, as may be deemed necessary for use by
21 the department for establishing quarantine stations for the purpose of
22 the isolation, prevention, eradication, elimination, and control of
23 insect pests or plant pathogens that affect the agricultural or
24 horticultural products of the state; for the propagation of biological
25 control agents; or the isolation of genetically engineered plants or
26 plant pests; or the isolation of bee pests.

1 NEW SECTION. **Sec. 16.** REQUESTED INSPECTIONS--FEE FOR SERVICE. To
2 facilitate the movement or sale of forest, agricultural, floricultural,
3 horticultural and related products, or bees and related products, the
4 director may provide, if requested by farmers, growers, or other
5 interested persons, special inspections, pest identifications, plant
6 identifications, plant diagnostic services, other special
7 certifications and activities not otherwise authorized by statute and
8 to prescribe a fee for that service. The fee shall, as closely as
9 practical, cover the cost of the service rendered, including the
10 salaries and expenses of the personnel involved. Moneys collected
11 shall be deposited in the plant pest fund within the agricultural local
12 fund. No appropriation is required for disbursement from the plant
13 pest fund.

14 NEW SECTION. **Sec. 17.** PENALTIES--CRIMINAL AND CIVIL PENALTY. A
15 person who violates or fails to comply with this chapter or rules
16 adopted under this chapter shall be guilty of a misdemeanor. A person
17 who fails to comply with this chapter or rules adopted under this
18 chapter may be subject to a civil penalty, as determined by the
19 director, in an amount of not more than five thousand dollars for each
20 violation. Each violation shall be a separate and distinct offense.
21 A person who knowingly, through an act of commission or omission,
22 procures or aids or abets in the violation shall be considered to have
23 violated this section and may be subject to the civil penalty.

24 NEW SECTION. **Sec. 18.** VIOLATIONS--COSTS OF CONTROL. A person
25 who, through a knowing and willful violation of a quarantine
26 established under this chapter, causes an infestation to become
27 established, may be required to pay the costs of public control or
28 eradication measures caused as a result of that violation.

1 NEW SECTION. **Sec. 19.** FUNDS FOR TECHNICAL AND SCIENTIFIC
2 SERVICES. The director may, at the director's discretion, provide
3 funds for technical or scientific services, labor, materials and
4 supplies, and biological control agents for the control of plant pests,
5 bee pests, and noxious weeds.

6 NEW SECTION. **Sec. 20.** DETERMINATION OF IMMINENT DANGER OF
7 INFESTATION OF PLANT PESTS OR PLANT DISEASES--EMERGENCY MEASURES--
8 CONDITIONS--PROCEDURES. (1) If the director determines that there
9 exists an imminent danger of an infestation of plant pests or plant
10 diseases that seriously endangers the agricultural or horticultural
11 industries of the state, or that seriously threatens life, health, or
12 economic well-being, the director shall request the governor to order
13 emergency measures to control the pests or plant diseases under RCW
14 43.06.010(14). The director's findings shall contain an evaluation of
15 the affect of the emergency measures on public health.

16 (2) If an emergency is declared pursuant to RCW 43.06.010(14), the
17 director may appoint a committee to advise the governor through the
18 director and to review emergency measures necessary under the authority
19 of RCW 43.06.010(14) and this section and make subsequent
20 recommendations to the governor. The committee shall include
21 representatives of the agricultural industries, state and local
22 government, public health interests, technical service providers, and
23 environmental organizations.

24 (3) Upon the order of the governor of the use of emergency
25 measures, the director is authorized to implement the emergency
26 measures to prevent, control, or eradicate plant pests or plant
27 diseases that are the subject of the emergency order.

28 (4) Upon the order of the governor of the use of emergency
29 measures, the director is authorized to enter into agreements with

1 individuals or companies, or both, to accomplish the prevention,
2 control, or eradication of plant pests or plant diseases,
3 notwithstanding the provisions of chapter 15.58 or 17.21 RCW, or any
4 other statute.

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

10 **Sec. 21.** RCW 43.06.010 and 1982 c 153 s 1 are each amended to read
11 as follows:

12 In addition to those prescribed by the Constitution, the governor
13 may exercise the powers and perform the duties prescribed in this and
14 the following sections:

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

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

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

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

26 (5) Whenever any suit or legal proceeding is pending against this
27 state, or which may affect the title of this state to any property, or
28 which may result in any claim against the state, the governor may
29 direct the attorney general to appear on behalf of the state, and

1 report the same to the governor, or to any grand jury designated by the
2 governor, or to the legislature when next in session;

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

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

10 (8) The governor may offer rewards, not exceeding one thousand
11 dollars in each case, payable out of the state treasury, for
12 information leading to the apprehension of any person convicted of a
13 felony who has escaped from a state correctional institution or for
14 information leading to the arrest of any person who has committed or is
15 charged with the commission of a felony;

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

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

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

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

28 (13) The governor shall, when appropriate, submit to the select
29 joint committee created by RCW 43.131.120, lists of state agencies, as
30 defined by RCW 43.131.030, which agencies might appropriately be

1 scheduled for termination by a bill proposed by the select joint
2 committee;

3 (14) The governor may, after finding that there exists within this
4 state an imminent danger of infestation of plant pests as defined in
5 (~~RCW 17.24.005~~) section 3 of this act or plant diseases which
6 seriously endangers the agricultural or horticultural industries of the
7 state of Washington, or which seriously threatens life, health, or
8 economic well-being, order emergency measures to prevent or abate the
9 infestation or disease situation, which measures, after thorough
10 evaluation of all other alternatives, may include the aerial
11 application of pesticides.

12 NEW SECTION. **Sec. 22.** The following acts or parts of acts are
13 each repealed:

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

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

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

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

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

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

20 (7) RCW 17.24.100 and 1981 c 296 s 26 & 1927 c 292 s 7;

21 (8) RCW 17.24.105 and 1981 c 296 s 27 & 1947 c 156 s 1;

22 (9) RCW 17.24.110 and 1981 c 296 s 28, 1977 ex.s. c 169 s 5, & 1947
23 c 156 s 2;

24 (10) RCW 17.24.120 and 1947 c 156 s 3;

25 (11) RCW 17.24.130 and 1947 c 156 s 4;

26 (12) RCW 17.24.140 and 1981 c 296 s 29 & 1947 c 156 s 5;

27 (13) RCW 17.24.200 and 1982 c 153 s 2; and

28 (14) RCW 17.24.210 and 1982 c 153 s 3.

1 NEW SECTION. **Sec. 23.** Captions as used in sections 2 through 20
2 of this act constitute no part of the law.

3 NEW SECTION. **Sec. 24.** Sections 2 through 20 of this act are each
4 added to chapter 17.24 RCW.