

---

SENATE BILL 6344

---

State of Washington

64th Legislature

2016 Regular Session

By Senators Takko, Warnick, and Hobbs; by request of Department of Agriculture

Read first time 01/18/16. Referred to Committee on Agriculture, Water & Rural Economic Development.

1 AN ACT Relating to the mandatory nonbinding arbitration  
2 provisions of the Washington state seed act; creating a new section;  
3 and repealing RCW 15.49.071, 15.49.081, 15.49.091, 15.49.101, and  
4 15.49.111.

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

6 NEW SECTION. **Sec. 1.** The legislature finds that the provisions  
7 in chapter 15.49 RCW that require private parties experiencing a  
8 dispute regarding the sale of plant seeds to engage with an otherwise  
9 uninvolved third party state agency and participate in a mandatory,  
10 nonbinding arbitration has a number of negative effects that are not  
11 offset by any realized benefits not otherwise available to the  
12 parties and does not advance the goals of protecting consumers or  
13 providing uniformity in seed sales. These negative outcomes include a  
14 time delay and added expense for the private parties engaged in the  
15 dispute, otherwise unnecessary budgetary pressures on the department  
16 of agriculture, and hardships for seed industry representatives being  
17 asked to serve on an arbitration panel without compensation. This  
18 mandatory step towards the resolution of the dispute has not, due to  
19 the nonbinding nature of the outcome, proven to be a worthwhile  
20 investment in the time or resources of the private parties or the  
21 state.

1       The legislature further finds that the removal of the requirement  
2 that the department of agriculture must serve as a forum for  
3 arbitration between two private parties will reduce the time and cost  
4 necessary for the parties to find a resolution to the dispute without  
5 eliminating the parties' option to seek other alternate dispute  
6 resolution resources, such as those provided under chapters 7.06 and  
7 7.07 RCW.

8       NEW SECTION.   **Sec. 2.**   The following acts or parts of acts are  
9 each repealed:

10       (1) RCW 15.49.071 (Damages—Arbitration prerequisite to legal  
11 action) and 2005 c 433 s 36 & 1989 c 354 s 77;

12       (2) RCW 15.49.081 (Arbitration—Filing fee—Rules) and 1989 c 354  
13 s 78;

14       (3) RCW 15.49.091 (Arbitration—Procedure) and 1989 c 354 s 79;

15       (4) RCW 15.49.101 (Investigation of complaint by arbitration  
16 committee) and 2010 c 8 s 6062 & 1989 c 354 s 80; and

17       (5) RCW 15.49.111 (Arbitration committee—Creation—Generally) and  
18 2010 c 8 s 6063 & 1989 c 354 s 81.

--- END ---