

# HOUSE BILL REPORT

## ESSB 5263

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**As Reported by House Committee On:**  
Agriculture & Natural Resources

**Title:** An act relating to procurement of seeds by state agencies.

**Brief Description:** Concerning the procurement of seeds by state agencies.

**Sponsors:** Senate Committee on Agriculture, Water, Trade & Economic Development  
(originally sponsored by Senator Warnick).

**Brief History:**

**Committee Activity:**

Agriculture & Natural Resources: 3/14/17, 3/21/17 [DP].

**Brief Summary of Engrossed Substitute Bill**

- Specifies that state agencies must require suppliers of seed to ensure the identity and purity of the seed when purchasing seed through a contract over \$2,500 in value.
- Requires state agencies to include the agency's expectations for the germination or viability of the seed in contracts over \$2,500 in value.

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### HOUSE COMMITTEE ON AGRICULTURE & NATURAL RESOURCES

**Majority Report:** Do pass. Signed by 15 members: Representatives Blake, Chair; Chapman, Vice Chair; Buys, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Chandler, Fitzgibbon, Kretz, Lytton, Orcutt, Pettigrew, Robinson, Schmick, Springer, Stanford and J. Walsh.

**Staff:** Rebecca Lewis (786-7339).

**Background:**

Procurement by State Agencies.

The Department of Enterprise Services (DES) is responsible for setting policy, standards, and procedures for the procurement of goods and services by all state agencies. Generally,

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contracts for purchases of goods and services by state agencies are based on a competitive solicitation process. Exceptions include emergency contracts, sole-source contracts, and performance-based contracts.

State agencies are encouraged to enter into performance-based contracts. Performance-based contracts stipulate expected deliverables and performance measures or outcomes and may include consequences or incentives to ensure value to the state. Payment under such contracts should be contingent on the contractor achieving the performance outcomes.

#### Washington State Seed Act.

The Washington State Seed Act (Seed Act), administered by the Washington State Department of Agriculture (WSDA), provides uniformity and consistency in the packaging of agricultural, vegetable, and flower seeds. The stated purpose of the Seed Act is to facilitate the interstate movement of seeds, to protect consumers, and provide a dispute resolution process. Specific activities include field inspection, seed testing and analysis, phytosanitary services, seed law enforcement, labeling standards and requirements, other certification services, and licensing seed dealers.

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#### **Summary of Bill:**

When purchasing seed, except tree seed and seed of woody or aquatic species, through a contract valued at over \$2,500, a state agency must require the seed supplier to ensure the identity and purity of seed through appropriate testing. Seed must be tested by the WSDA, or any other agency authorized by any state, territory, or possession with standards approved by the United States Secretary of Agriculture to ensure the identity and purity of seed.

All state agency contracts for seed, except tree seed and seed of woody or aquatic species, over \$2,500 in value must state the agency's expectation for germination or viability of the seed under the terms of the contract.

A state agency may not structure multiple contracts for seed purchases that would naturally be one contract in order to avoid meeting the \$2,500 threshold.

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**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) The Department of Agriculture supports this bill. It is prudent for state agencies to be purchasing certified seed and know exactly what they are purchasing.

(Opposed) None.

**Persons Testifying:** Steve Fuller, Department of Agriculture.

**Persons Signed In To Testify But Not Testifying:** None.