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ENGROSSED SUBSTITUTE HOUSE BILL 1817

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State of Washington

56th Legislature

1999 Regular Session

By House Committee on Agriculture & Ecology (originally sponsored by Representatives Grant and Clements)

Read first time 03/01/1999.

1 AN ACT Relating to horticultural pest and disease boards; adding  
2 new sections to chapter 15.09 RCW; creating a new section; and  
3 repealing RCW 15.09.130.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 15.09 RCW  
6 to read as follows:

7 SPECIAL ASSESSMENTS, HORTICULTURAL TAX, APPROPRIATIONS FOR  
8 HORTICULTURAL PEST AND DISEASE BOARDS. Funding of the operating budget  
9 of the horticultural pest and disease board may be derived from any or  
10 all of the following:

11 (1) Moneys from the county general fund or other general revenues,  
12 as appropriated by the board of county commissioners or other county  
13 legislative authority;

14 (2) A horticultural tax, as authorized in RCW 15.08.260, levied by  
15 the county board of commissioners or other county legislative  
16 authority; or

17 (3) An assessment against all lands except those exempted from the  
18 assessment under subsection (4) of this section.

1 (4) The assessment in subsection (3) of this section does not apply  
2 to forest lands used solely for the planting, growing, or harvesting of  
3 trees and which are typified, except during a single period of five  
4 years following clear-cut logging, by canopies so dense as to prohibit  
5 growth of an understory. The exemption provided by this subsection  
6 does not apply to any lands used to raise hardwood trees such as, but  
7 not limited to, hybrid cottonwoods and cultivated by agricultural  
8 methods in growing cycles shorter than twelve years.

9 NEW SECTION. **Sec. 2.** A new section is added to chapter 15.09 RCW  
10 to read as follows:

11 SPECIAL ASSESSMENT--RATES. (1) Prior to the levying of an  
12 assessment authorized in section 1 of this act, the horticultural pest  
13 and disease board shall hold a public hearing at which it will gather  
14 information to serve as a basis for classification and then classify  
15 the lands into suitable classification, including but not limited to  
16 orchard lands, range lands, dry lands, nonuse lands, forest lands, or  
17 federal lands.

18 (2) The board shall develop and forward to the county board of  
19 commissioners or other county legislative authority, as a proposed  
20 level of assessment for each class, an amount that seems just. The  
21 assessment rate shall be either uniform per acre in its respective  
22 class, a flat rate per parcel, or a flat rate per parcel rate plus a  
23 uniform rate per acre: PROVIDED, That if no benefits are found to  
24 accrue to a class of land, a zero assessment may be levied.

25 (3) The county board of commissioners or other county legislative  
26 authority, upon receipt of the proposed levels of assessment from the  
27 horticultural pest and disease board, after a hearing, shall accept or  
28 modify by resolution, or refer back to the horticultural pest and  
29 disease board for its reconsideration all or any portion of the  
30 proposed levels of assessment.

31 (4) The amount of the assessment constitutes a lien against the  
32 property. The county board of commissioners or other county  
33 legislative authority may by resolution or ordinance require that  
34 notice of the lien be sent to each owner of the property for which the  
35 assessment has not been paid by the date it was due and that each lien  
36 created be collected by the treasurer in the same manner as delinquent  
37 real property tax, if within thirty days from the date on which the  
38 owner is sent notice of the lien, including its amount, the lien

1 remains unpaid. Liens treated as delinquent taxes bear interest at the  
2 rate of twelve percent per annum and the interest accrues as of the  
3 date notice of the lien is sent to the owner, however, any collections  
4 for the lien shall not be considered a tax.

5 NEW SECTION. **Sec. 3.** A new section is added to chapter 15.09 RCW  
6 to read as follows:

7 AUTHORITY TO ENTER INTO AGREEMENTS. The horticultural pest and  
8 disease board may enter into agreements with federal, state, and local  
9 government agencies and Indian tribes to perform any duties pursuant to  
10 the identification, detection, control, eradication, or education of  
11 citizens regarding horticultural pests and diseases.

12 NEW SECTION. **Sec. 4.** RCW 15.09.130 (Operating moneys) and 1969 c  
13 113 s 13 are each repealed.

14 NEW SECTION. **Sec. 5.** Captions used in sections 1 through 3 of  
15 this act are not any part of the law.

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