

SENATE BILL REPORT

SSB 6241

As Passed Senate, February 12, 2002

Title: An act relating to Christmas trees.

Brief Description: Excluding agriculturally cultivated Christmas trees from chapter 76.09 RCW.

Sponsors: Senate Committee on Agriculture & International Trade (originally sponsored by Senators Rasmussen, T. Sheldon, Swecker, Hargrove and Snyder).

Brief History:

Committee Activity: Agriculture & International Trade: 1/18/02 [DPS].

Passed Senate: 2/12/02, 48-0.

SENATE COMMITTEE ON AGRICULTURE & INTERNATIONAL TRADE

Majority Report: That Substitute Senate Bill No. 6241 be substituted therefor, and the substitute bill do pass.

Signed by Senators Rasmussen, Chair; Shin, Vice Chair; Parlette, Snyder and Swecker.

Staff: Bob Lee (786-7404)

Background: Christmas trees can be grown on agricultural land or on forest land. Both the Growth Management Act and the property tax statutes differentiate whether land upon which Christmas trees are grown is classified as agricultural land or forest land based on whether the Christmas trees are grown by agricultural methods.

"Agricultural methods" is defined as cultivation of trees that are grown on land prepared by intensive cultivation and tilling, such as irrigating, plowing, or turning over the soil, and on which all unwanted plant growth is controlled continuously for the exclusive purpose of raising trees such as Christmas trees and short-rotation hardwoods.

Currently, Christmas trees are included under the Forest Practices Act and associated rules. For example, the harvest and shearing of Christmas trees are a Class I forest practice and do not require notification to the Department of Natural Resources. Aerial pesticide applications are considered as a Class IV forest practice and require approval by the Department of Natural Resources. Aerial applications must also comply with label restrictions and rules administered by the Department of Agriculture.

Summary of Bill: Christmas trees grown by agricultural methods are exempt from the Forest Practices Act. Christmas trees grown by other than agricultural methods remain subject to the Forest Practices Act.

Appropriation: None.

Fiscal Note: Requested on January 17, 2002.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: The majority of Christmas trees are now grown in a plantation setting on agricultural land but are subject to regulation both as agriculture and as forestry. A big investment is made in the trees in seven or eight years. They are susceptible to a wide variety of pests such as aphids and rust and require prompt action. The Department of Natural Resources lacks the personnel and expertise to expeditiously review and approve pesticide applications. Rules of the Department of Agriculture continue to apply to these pesticide applications.

Testimony Against: None.

Testified: Leonard Young, Department of Natural Resources (pro w/concerns); Brad Tower, WA Christmas Tree Growers (pro); Dan L. Foster, Farm and Forest Helicopter Service (pro); Duane Kaiser (pro).