

# HOUSE BILL REPORT

## HB 1146

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### As Passed Legislature

**Title:** An act relating to extending the program establishing Christmas tree grower licensure.

**Brief Description:** Extending the program establishing Christmas tree grower licensure.

**Sponsors:** Representatives MacEwen and Young.

#### Brief History:

##### Committee Activity:

Rural Development, Agriculture, & Natural Resources: 1/22/19, 1/29/19 [DP].

##### Floor Activity:

Passed House: 3/1/19, 91-0.

Passed Senate: 4/16/19, 48-0.

Passed Legislature.

#### Brief Summary of Bill

- Extends the Christmas tree grower licensure program to July 1, 2030.

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### HOUSE COMMITTEE ON RURAL DEVELOPMENT, AGRICULTURE, & NATURAL RESOURCES

**Majority Report:** Do pass. Signed by 14 members: Representatives Blake, Chair; Shewmake, Vice Chair; Chandler, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Chapman, Dye, Fitzgibbon, Kretz, Lekanoff, Orcutt, Pettigrew, Ramos, Schmick and Walsh.

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

#### Background:

##### Christmas Tree Program.

The Department of Agriculture (Department) Plant Protection Division administers horticultural plant inspections and licensing programs. Most businesses that grow Christmas trees for sale in Washington must obtain a Christmas tree grower license (license) from the Department prior to operating as a grower. The Director of the Department (Director) may

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adopt rules governing inspection and certification of Christmas trees to manage plant pest infestation, license fees and tree inspection fees, and fee collection methods. A Director-appointed Christmas Tree Advisory Committee (Advisory Committee) advises the Director in administration of the Christmas tree program.

#### Christmas Tree Grower License Fees and Exemptions.

Christmas tree growers who own trees and whose business consists solely of retail sales are exempt from the licensing requirements if the grower has less than 1 acre of Christmas trees, or the grower harvests fewer than 400 trees per year by u-cut or otherwise. Nursery dealers who furnish live plants to Christmas tree growers are also exempt.

The annual fee for a license is \$40 plus an acreage assessment of no more than \$4 per acre, and the total annual license fee for any person may not exceed \$5,000. The current acreage assessment is \$3 per acre. Fees are deposited into the Christmas tree subaccount within the Agricultural Local Fund. Fees may be used only for the Christmas tree program, including support for the Christmas Tree Advisory Committee and market surveys and research related to Christmas trees.

The Director may audit licenses during normal business hours to determine that a Christmas tree grower has paid required license fees. The Director may not issue a license to any applicant who has failed to pay any assessments due, and may apply for a court injunction restraining a Christmas tree grower from operating without a license. Any such order must contain a provision for payment of pertinent court costs, reasonable attorney's fees, and equitable administrative expenses.

#### Inspections, Certification, and Enforcement.

By rule, the Director may require that any or all Christmas trees delivered or shipped into Washington be inspected for conformance with state law prior to release, even if the trees are accompanied by acceptable inspection certificates issued by the state or country of origin.

The Director may issue a hold order on any Christmas trees if there is cause to believe a tree is damaged, infested, or infected by a plant pest, and may prescribe the conditions for holding the trees. The Director must condemn any Christmas trees shipped or sold if they are found to be diseased, infected, or infested to the extent that treatment is not practical, and must order such trees either destroyed or returned at the shipper's option. If the Director is denied access to perform inspections at the horticultural facilities of a Christmas tree grower, the grower may be subject to license revocation.

#### Unlawful Actions and Penalty for Noncompliance.

It is unlawful for any person to:

- sell, ship, or transport a Christmas tree unless it meets the standards in rule for freedom from plant pest infestation and other requirements;
- falsely claim to be a Christmas tree grower;
- alter an official certificate or other inspection document for plant materials including Christmas trees; or
- substitute any Christmas tree for a Christmas tree covered by an inspection certificate.

A person who fails to comply with this chapter may be subject to denial, revocation or suspension of the Christmas tree grower license, or assessed a civil penalty of not more than \$1,000 per violation.

The Christmas tree grower licensure program expires on July 1, 2020.

**Summary of Bill:**

The Christmas tree grower licensure program is extended from July 1, 2020, to July 1, 2030.

**Appropriation:** None.

**Fiscal Note:** Available.

**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) This program was first brought to the Legislature in 2007 and has been renewed through legislation at least once before. Funding from license fees is used for two activities important to the Christmas tree industry: (1) license fees support a significant amount of research through Washington State University to support the Christmas tree industry; and (2) the program provides a mechanism to quarantine trees and manage infestations. The industry is supportive of extending this program another 10 years.

(Opposed) None.

**Persons Testifying:** Troy Nichols, Washington Christmas Tree Growers Association.

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