

SENATE BILL REPORT

ESB 5401

As Amended by House, April 4, 2007

Title: An act relating to Christmas tree grower licensure.

Brief Description: Licensing Christmas tree growers.

Sponsors: Senators Rasmussen, Swecker, Shin, Schoesler and Hatfield.

Brief History:

Committee Activity: Agriculture & Rural Economic Development: 1/22/07, 1/23/07 [DP].
Passed Senate: 3/07/07, 45-1.

SENATE COMMITTEE ON AGRICULTURE & RURAL ECONOMIC DEVELOPMENT

Majority Report: Do pass.

Signed by Senators Rasmussen, Chair; Hatfield, Vice Chair; Schoesler, Ranking Minority Member, Morton and Shin.

Staff: Bob Lee (786-7404)

Background: The Department of Agriculture administers the horticultural plant inspection and licensing program. There is interest in expanding the current program to include Christmas trees.

Summary of Engrossed Bill: The definition of horticultural facilities is expanded to include premises where Christmas trees are grown. Authority is provided for the department to inspect and issue a certificate of inspection for Christmas trees. "Christmas trees" are defined as a cut evergreen tree of a marketable species that is managed to meet federal standards of the United States Department of Agriculture and that has been grown using periodic maintenance practices including shearing or culturing, weed and brush control, and has been grown using at least one of the following practices: basal pruning, fertilization, insect and disease control, stump culture, soil cultivation or irrigation.

Authority is provided for the Department of Agriculture to adopt rules for the inspection and/or certification of any Christmas tree as to freedom from infestation by plant pests. Also, authority is provided for rules to be adopted to establish fees for Christmas tree grower licenses and for inspection and methods of fee collection. Access to Christmas tree farms for inspection by the department is provided on the same basis as other horticultural facilities. Denial of access to the department to perform inspections may subject the Christmas tree grower to license revocation.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Christmas tree growers who grow trees on one acre or less, or who harvest by U-cut or otherwise less than 400 trees per year, and whose business consists solely of retail sales to the ultimate consumer is exempt from licensing requirements. All other growers of Christmas trees are required to obtain a license from the department. The annual licensing fee may not exceed a basic charge of \$40 plus up to \$4 per acre as determined by rule adopted by the department. The information required to be provided by the grower in the license application includes names, address, and acreage of Christmas trees for each location, the names of persons which are to receive legal notices and summons, and other information required by the department.

An advisory committee appointed by the Director of Agriculture is established to consist of at least five members and is to include representatives of licensed Christmas tree growers, industry, and the department. Explicit authority is provided for Christmas tree growers or other persons with a financial interest to request inspection and/or certification services by the department.

It is unlawful for any person to sell or to transport Christmas trees in this state unless it meets standards established in rule for freedom from infestation by plant pests and other requirements of this chapter. The Director may require by rule that any or all Christmas trees delivered or shipped into this state be inspected. The department may issue a hold order for Christmas trees that are damaged or infested and the order may prescribe conditions under which the damaged or infested material must be held to prevent the spread of the infestation. The Director shall 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.

Of the list of unlawful acts for nursery dealers, Christmas tree growers are included in the following: to falsely claim to be an agent or representative; altering an official certificate or document; and to substitute trees covered by an inspection certificate. Christmas tree growers are not included in the prohibition against other actions.

Fees collected from Christmas tree growers are to be deposited in the Christmas tree account within the agricultural local fund. These funds may only be used for the Christmas tree program which may include market surveys and research related to Christmas trees. The act expires on July 1, 2014.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony: PRO: Due to detection of a plant disease (sudden oak death) in California and Oregon, Christmas tree growers want to have in place a mechanism to rapidly respond if necessary. Christmas trees grown in Washington are shipped throughout the nation. If certain plant pests or diseases are detected in Washington trees, other states will restrict those trees from coming into to their state which would cause growers to lose their markets.

Because Oregon and Washington are considered as a single growing area for Christmas trees, the goal is to have a program in Washington that is equivalent to Oregon's.

Persons Testifying: PRO: Brad Tower, Pacific Northwest Christmas Tree Association; Carolyn Elliott, Trees 'n Bees, Inc.; John Tillman, Northwest Plantations.

House Amendment(s): The Senate version named two specific Christmas tree grower associations that could submit names to the Director for appointment of the advisory committee. The House amendment provides for nominations of persons to the advisory committee may be submitted by either Christmas tree growers or by unnamed but established Christmas tree grower associations.