

HOUSE BILL REPORT

HB 1209

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, Blake, Chandler, Stonier, Wilcox, Springer, Haigh, Morrell and Stanford.

Brief History:

Committee Activity:

Agriculture & Natural Resources: 1/31/13, 2/7/13 [DP].

Floor Activity:

Passed House: 2/22/13, 96-0.

Passed Senate: 4/11/13, 47-1.

Passed Legislature.

Brief Summary of Bill

- Extends the program establishing Christmas tree grower licensure.

HOUSE COMMITTEE ON AGRICULTURE & NATURAL RESOURCES

Majority Report: Do pass. Signed by 14 members: Representatives Blake, Chair; Lytton, Vice Chair; Chandler, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Buys, Dunshee, Haigh, Hurst, Kretz, Orcutt, Pettigrew, Schmick, Stanford and Warnick.

Staff: Cherlyn Walden (786-7296).

Background:

Licensure, Fees, and Exemptions.

The Department of Agriculture's (Department) Plant Protection Division administers horticultural plant inspections and licensing programs. A Christmas tree grower must obtain a Christmas tree grower's license from the Department prior to operating as a grower. The annual licensing fee established by the Department Director (Director) in rule is \$40 annually

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plus a \$3 per acre assessment. The total annual license fee must not exceed \$5,000. The information required on the license application is specified.

Fees collected will be deposited in the Christmas tree account within the Agricultural Local Fund. The fees must be used only for the Christmas tree program established in this chapter, which may include market surveys and research related to Christmas trees.

Exempted from the licensing requirements is any Christmas tree grower who owns trees, whose business consists solely of retail sales to the ultimate consumer, and who either has less than one acre of Christmas trees, or harvests by u-cut or otherwise, fewer than 400 Christmas trees per year. Also exempted are licensed nursery dealers who furnish live plants for planting to growers.

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

Inspections, Certification, and Enforcement.

The Director is authorized to adopt rules for: inspection and/or certification of Christmas trees as to freedom from plant pest infestation; Christmas tree grower license fees and tree inspection fees; and fee collection methods.

The Director may, by rule, require that any or all Christmas trees delivered or shipped into Washington be inspected for conformance with the requirements of state law prior to release by the person transporting or delivering them, 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 Christmas trees when there is cause to believe they are damaged, infested, or infected by a plant pest. The Director may prescribe the conditions for holding the material. 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.

Any licensee or person financially interested in Christmas trees may request inspection and/or certification services for a fee in an amount set by the Director.

Unlawful Actions and Penalty for Noncompliance.

It is unlawful for any person to:

- sell, ship, or transport a Christmas tree unless it meets 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 licensure scheme will expire on July 1, 2014.

Summary of Bill:

The program establishing Christmas tree grower licensure is extended from its July 1, 2014 expiration date to July 1, 2020.

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) Christmas tree growers came to the Legislature six years ago to establish the Christmas tree licensure program under the Department of Agriculture. The program is in place for state support in the event of infestation, such as gypsy moth or sudden oak death syndrome, for which the United States Department of Agriculture could quarantine the state. With 75 percent of the state's Christmas trees being exported, an infestation could ruin an entire season's work for Christmas tree growers. Extending this program essentially saves Christmas.

(Opposed) None.

Persons Testifying: Representative MacEwen, prime sponsor; and Brad Tower, Washington Christmas Tree Growers.

Persons Signed In To Testify But Not Testifying: None.