

HOUSE BILL REPORT

ESHB 1817

As Passed House:

March 9, 1999

Title: An act relating to horticultural pest and disease boards.

Brief Description: Funding horticultural pest and disease boards.

Sponsors: By House Committee on Agriculture & Ecology (Originally sponsored by Representatives Grant and Clements).

Brief History:

Committee Activity:

Agriculture & Ecology: 2/19/99, 2/25/99 [DPS].

Floor Activity:

Passed House: 3/9/99, 93-0.

Brief Summary of Substitute Bill

- Authorizes levying an assessment on lands to provide funding for horticultural pest and disease boards.

HOUSE COMMITTEE ON AGRICULTURE & ECOLOGY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 13 members: Representatives G. Chandler, Republican Co-Chair; Linville, Democratic Co-Chair; Cooper, Democratic Vice Chair; Anderson; B. Chandler; Delvin; Fortunato; Grant; Reardon; Schoesler; Stensen; Sump and Wood.

Minority Report: Without recommendation. Signed by 1 member: Representative Koster, Republican Vice Chair.

Staff: Kenneth Hirst (786-7105).

Background:

County legislative authorities may create horticultural pest and disease boards. Such a board may inspect land with the county for horticultural pests and diseases, may order

a landowner to control those pests or diseases, and may control the pests or diseases at the landowner's expense if the owner fails to do so. In certain circumstances, the board may also require the removal of the infested plants at the owner's expense.

Under other laws, a property tax, known as a horticultural tax, may be levied by a county legislative authority on the taxable property of the county. It is to be in an amount sufficient to meet the expense of inspecting and disinfecting nursery stock, fruits, vegetables, horticultural or agricultural products, and horticultural premises. A portion of the receipts from this tax that is sufficient for the operation of the county's horticultural pest and disease board is to be provided to the board.

Summary of Bill:

Funding for a horticultural pest and disease board may be from any combination of the following: moneys appropriated by the county from its general fund or other general revenues; a horticultural tax authorized under current law; or a newly authorized assessment against all lands. This new assessment does not apply to forest lands used solely for trees and typified, except following clear-cut logging, by canopies that prohibit growth of an understory. However, the assessment does apply to lands used to grow certain hardwoods cultivated in growing cycles of less than 12 years.

Before an assessment is levied, the horticultural pest and disease board must hold a public hearing and classify the lands. It must forward to the county legislative authority a proposed level of assessment for each class. The assessment rate may be either uniform per acre in its class, a flat rate per parcel, or a flat rate per parcel rate plus a uniform rate per acre. If no benefits would accrue to a class of land, a zero assessment may be levied.

After a hearing, the county legislative authority may accept or modify any assessment level or refer it back to the board for reconsideration. The assessment constitutes a lien against the property. The county legislative authority may require that notice of the lien be sent to each owner of the property for which the assessment has not been paid by the date it was due. The county authority may also require that each lien be collected by the treasurer in the same manner as delinquent real property taxes if, within 30 days from the date on which the owner is sent notice of the lien, the lien remains unpaid. Liens treated as delinquent taxes bear interest at the rate of 12 percent per year.

A board may enter into agreements with federal, state, and local government agencies and Indian tribes to perform duties regarding horticultural pests and diseases.

A provision is repealed that requires sufficient operating moneys for a county's board be provided from the horticulture tax.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: (Original bill) (1) The bill provides funding for controlling horticultural pests, which is very important to the industry. It mirrors the assessment currently authorized for weed control. (2) Most counties currently try to do as much as they can through the cooperative extension office. Funding is needed to take actions when problems are found. (3) The Legislature has provided a temporary means of moving agricultural local funds around to assist in controlling apple maggot. Counties have wanted to levy an assessment for fighting other problems but have found they do not have the authority to do so.

Testimony Against: None.

Testified: (In support) Representative Grant, prime sponsor; Michael Shaw, Washington State Association of Counties; and Mary Beth Lang, Department of Agriculture.