

# ANALYSIS OF HB 1817

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*House Agriculture & Ecology Committee  
15, 1999*

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*February*

*-Provides three methods by which horticultural pest and disease boards may be funded and, as one of them, authorizes the levying of an assessment on lands.*

## **BACKGROUND:**

County legislative authorities may create horticultural pest and disease boards. (RCW 15.09.020.) 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. (RCW 15.09.050 and .060.) In certain circumstances, the board may also require the removal of the infested plants at the owner's expense. (RCW 15.09.080.)

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. (RCW 15.08.260.) 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. (RCW 15.09.130.)

## **SUMMARY:**

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 an assessment against all lands. The latter may not be applied to forest lands used solely for trees and typified, except during a single period of five years following clear-cut logging, by canopies so dense as to prohibit growth of an understory. (Section 1.)

Before an assessment is levied, the horticultural pest and disease board must hold a public hearing and must classify the lands. It must forward to the county legislative authority a proposed level of assessment for each class. The assessment rate shall be either uniform per acre in its respective 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.

(Sections 2(1) and (2).)

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 thirty 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% per year. (Sections 2(3) and (4).)

A board may enter into agreements with federal, state, and local government agencies and Indian tribes to perform duties regarding horticultural pests and diseases. (Section 3.)

A provision of law regarding these boards is repealed that requires sufficient operating moneys for a county's board be provided from the horticulture tax. (Section 4.)