

FINAL BILL REPORT

HB 1146

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Synopsis as Enacted

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

Sponsors: Representatives MacEwen and Young.

House Committee on Rural Development, Agriculture, & Natural Resources
Senate Committee on Agriculture, Water, Natural Resources & Parks

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 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 businesses consist solely of retail sales are exempt from the licensing requirements if the growers have less than 1 acre of Christmas trees, or the growers harvest 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 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

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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 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:

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

Votes on Final Passage:

House	91	0
Senate	48	0

Effective: July 28, 2019