
**Agriculture & Natural Resources
Committee**

HB 1743

Brief Description: Requiring the appointment of county noxious weed control boards.

Sponsors: Representatives Kretz, B. Sullivan, Sump, Upthegrove and Linville.

Brief Summary of Bill

- Requires each county to have a noxious weed control board in place beginning January 1, 2008.
- Clarifies the responsibilities of a county legislative authority, the Department of Agriculture, and the State Noxious Weed Control Board in establishing and deactivating a county noxious weed control board.
- Sets out limited conditions under which the county noxious weed control board may be deactivated.

Hearing Date: 2/8/07

Staff: Meg Van Schoorl (786-7105).

Background:

Noxious Weeds

Noxious weeds are defined in law as plants that, when established, are highly destructive, competitive, or difficult to control by cultural or chemical practices. Having been primarily brought into the state by human action and having no significant natural enemies such as insects or diseases, these plants can multiply rapidly and cause crop losses, reduce biodiversity, and impact fish and wildlife. Noxious weeds are divided into three categories. Class A are noxious weeds that are of limited distribution or are unrecorded in the state and that pose a serious threat to the state (examples: kudzu, Italian thistle). Class B are noxious weeds that are of limited distribution or are unrecorded in a region of the state and that pose a serious threat to that region

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.

(examples: Japanese knotweed; purple loosestrife). Class C are any other noxious weeds (examples: babysbreath; common tansy).

Noxious Weed Control

The purpose of Chapter 17.10 RCW, Noxious Weeds - Control Boards, is "to limit economic loss and adverse effects to Washington's agricultural, natural, and human resources due to the presence and spread of noxious weeds on all terrestrial and aquatic areas in the state."

Current law delineates the duties of land owners and state agencies to control the spread of noxious weeds, and provides for the creation of state, regional and county noxious weed control boards.

- The 12-member Washington State Noxious Weed Control Board (State Board) has the power to disseminate information to and coordinate educational and weed control efforts by county and regional noxious weed control boards and weed districts. At least once annually, the State Board must conduct a hearing and adopt a list of noxious weeds in rule. The State Board's list determines which plants will be considered noxious weeds and where in the state eradication, control, or prevention of specific noxious weeds will be required.
- Regional noxious weed control boards may be created covering two or more counties.
- Five-member county noxious weed control boards (County Boards) have jurisdictional boundaries that are coterminous with the county's borders. County Boards enforce property owners' duties to control certain weeds. County Boards employ or provide a weed coordinator who inspects land to determine the presence of noxious weeds, offers technical assistance and education, and develops a program to achieve compliance with weed law. Each County Board is inactive until activated through one of the following means:
 - Upon petition by county voters or on its own motion, the county legislative authority holds a hearing to determine if there is a need to activate a County Board, due to a damaging infestation of noxious weeds. If a need is found, then the county legislative authority appoints the County Board.
 - If a County Board is not activated within a year of such a hearing, upon petition of county voters or signatures of a majority of an adjacent County Board, the State Board shall hold a hearing in the county to determine need for activation. If the need is found, the State Board will order the county legislative authority to activate the County Board and appoint members.
 - Upon request of the State Board, the director of the Department of Agriculture (Department) shall order the county legislative authority to activate the County Board immediately if an infestation of a Class A noxious weed or Class B noxious weed designated for control on the State Noxious Weed List is confirmed in the county. As an alternative to activating the County Board, the county legislative authority has the option of combating the class A or B weed with county resources and personnel. However, no county may continue for a second consecutive year without activating a County Board if the Class A or B weed has not been eradicated.

Currently, 38 of the state's 39 counties have activated county noxious weed control boards.

The director of the Department, with the advice of the State Board, has the power to require county legislative authorities, county noxious weed control boards, and weed districts to report information, respond to complaints with plans for control, and take immediate action to eradicate or control an infestation.

Summary of Bill:

Beginning on January 1, 2008, each county must have a County Board in place, appointed in the manner prescribed in law. For any county in which the county legislative authority fails to make County Board appointments by that date, the director of the Department and the State Board must jointly appoint and manage the County Board until the county legislative authority assumes responsibility. The county will be held liable for paying the state's expenses, and the director is authorized to bring civil action against the county in court to collect payment.

A County Board may be deactivated only if the county legislative authority holds a hearing at which an official from the State Board confirms that the Class A or B noxious weeds designated for control in the region are absent in the county, and that there is no need at present to continue the County Board. Once deactivated, if at any time Class A or B noxious weeds designated for control in the region are found in the county, then the County Board must be activated. If the county legislative authority fails to activate and appoint the County Board, then the director of the Department and the State Board shall jointly appoint the County Board.

Appropriation: None.

Fiscal Note: Requested on February 1, 2007.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.