

# HOUSE BILL REPORT

## HB 2446

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### As Reported by House Committee On: Agriculture & Natural Resources

**Title:** An act relating to long-term noxious weed management on land newly acquired by the fish and wildlife commission.

**Brief Description:** Regarding long-term noxious weed management on land newly acquired by the fish and wildlife commission.

**Sponsors:** Representatives Kretz, Williams, McCune, Taylor, Chandler, Haler, Schmick and Short.

#### **Brief History:**

##### **Committee Activity:**

Agriculture & Natural Resources: 1/12/10, 1/19/10 [DP].

#### **Brief Summary of Bill**

- Requires the Fish and Wildlife Commission to develop, before making a real estate purchase, long-term noxious weed management plans for any parcels of undeveloped real estate that it is considering for purchase.

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### HOUSE COMMITTEE ON AGRICULTURE & NATURAL RESOURCES

**Majority Report:** Do pass. Signed by 11 members: Representatives Blake, Chair; Ormsby, Vice Chair; Chandler, Ranking Minority Member; Smith, Assistant Ranking Minority Member; Jacks, Kretz, McCoy, Pearson, Rolfes, Van De Wege and Warnick.

**Minority Report:** Do not pass. Signed by 2 members: Representatives Liias and Nelson.

**Staff:** Jason Callahan (786-7117).

#### **Background:**

The Fish and Wildlife Commission (Commission) has the authority to acquire various property rights in the name of the state for purposes consistent with the other legislative authorities of the Commission. The Commission may acquire lands, buildings, water rights,

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rights-of-way, and other property through gift, lease, condemnation, or purchase from a willing seller.

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**Summary of Bill:**

The Commission must develop a long-term noxious weed management plan for any parcel of undeveloped real estate that it is considering for purchase. No money may be released for the purchase of undeveloped property by the Commission unless the weed management plan has been approved by the Commission prior to the closing date of the sale.

The long-term noxious weed management plan must include the identification of a funding mechanism that allows for the plan to be implemented. The funding may take the form of a bond or other financial guarantee backed by the federal government, a local government, or charitable donations from the private sector, non-profit organizations, or citizens. However, the identified funding mechanism may not rely on future legislative appropriations.

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**Appropriation:** None.

**Fiscal Note:** Requested on January 19, 2010.

**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) Invasive weeds do not capture attention like invasive animals such as swans, but they are still a significant problem and they ignore property lines. Scotch broom is well established in the state, and even kudzu has been identified. Private landowners are held to a higher standard and are required to control weed on their lands, but the state shares no such burden. The state continues to buy land but fails to manage the land that they already own. A bill like this helps the state be a better neighbor and moves the Washington Department of Fish and Wildlife (WDFW) into the new century.

It is valuable to raise awareness about the importance of long-term planning to avoid the detrimental effects of noxious weeds. Although the identification of funding sources could be difficult, a program like this should be extended to every state agency.

Habitat is only protected through public ownership if the land is managed properly. If it cannot be managed, the land should be divested and returned to productive use.

(With concerns) The state should be responsible for the lands that it manages, but the bill has a poison pill that really just stops the WDFW from purchasing any lands at all. The poison pill is the provision that requires the noxious weed management plan to be funded by

something other than future legislative appropriations. The cost should be identified, but state appropriations should be one of the acceptable sources.

(Opposed) The WDFW works hard to control weeds and works closely with local weed boards. The Legislature has even funded weed control activities recently, and a bill like this sends a conflicting message. The agency is low on money, but tries to implement a good neighbor policy.

Land acquisition is one of the primary tools that the WDFW uses for habitat conservation. Restricting this program puts millions of dollars of capital investments at risk since developing a weed plan before a sale is completed makes negotiations and closing difficult.

**Persons Testifying:** (In support) Representative Kretz, prime sponsor; Alison Halpern, Washington State Noxious Weed Control Board; Cathy Lucero, Clallam County Noxious Weed Control Board; Jack Field, Washington State Cattlemen's Association; and Dan Wood, Washington Farm Bureau.

(With concerns) Bill Robinson, The Nature Conservancy.

(Opposed) Steve Pozzanghera, Washington Department of Fish and Wildlife.

**Persons Signed In To Testify But Not Testifying:** None.