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**SUBSTITUTE SENATE BILL 5087**

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**State of Washington**

**62nd Legislature**

**2011 Regular Session**

**By** Senate Agriculture & Rural Economic Development (originally sponsored by Senators Sheldon, Honeyford, Hatfield, and Shin)

READ FIRST TIME 02/15/11.

1 AN ACT Relating to noxious weed lists; and amending RCW 17.10.080  
2 and 17.10.090.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 17.10.080 and 1997 c 353 s 10 are each amended to read  
5 as follows:

6 (1) The state noxious weed control board shall each year or more  
7 often, following a hearing, adopt a state noxious weed list.

8 (2) The state noxious weed control board shall adopt guidelines by  
9 rule for placing plants on the state noxious weed list. These  
10 guidelines must include criteria for reconsideration of proposed new  
11 species that were not adopted by the state noxious weed control board,  
12 including the need for the state noxious weed control board to be  
13 presented with additional data from scientific sources before taking  
14 any action for reconsideration.

15 (3) Any person may request during a comment period established by  
16 the state noxious weed control board the inclusion, deletion, or  
17 designation change of any plant to the state noxious weed list.  
18 However, the state noxious weed control board may not include English  
19 holly on the state noxious weed list.

1        ~~((3))~~ (4) The state noxious weed control board shall send a copy  
2 of the list to each activated county noxious weed control board, to  
3 each weed district, and to the county legislative authority of each  
4 county with an inactive noxious weed control board.

5        ~~((4))~~ (5) The record of rule making must include the written  
6 findings of the board for the inclusion of each plant on the list. The  
7 findings shall be made available upon request to any interested person.

8        **Sec. 2.** RCW 17.10.090 and 1997 c 353 s 11 are each amended to read  
9 as follows:

10        (1) Each county noxious weed control board shall, within ninety  
11 days of the adoption of the state noxious weed list from the state  
12 noxious weed control board and following a hearing, select those weeds  
13 from the class C list and those weeds from the class B list not  
14 designated for control in the noxious weed control region in which the  
15 county lies that it finds necessary to be controlled in the county.

16        (2) The weeds thus selected and all class A weeds and those class  
17 B weeds that have been designated for control in the noxious weed  
18 control region in which the county lies shall be classified within that  
19 county as noxious weeds, and those weeds comprise the county noxious  
20 weed list.

21        (3) Nothing in this chapter limits a county noxious weed control  
22 board, or other branch of county or city government, from conducting  
23 education, outreach, or other assistance regarding plant species not  
24 included on the state noxious weed list if the county or city  
25 determines that the plant species causes localized risk or concern.

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