

# HOUSE BILL REPORT

## SSB 5442

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### As Reported By House Committee On:

Agriculture & Ecology

**Title:** An act relating to weed control.

**Brief Description:** Directing the state weeds board to study weed control on state lands.

**Sponsors:** Senate Committee on Agriculture & Agricultural Trade & Development (originally sponsored by Senators Rasmussen, Morton, Loveland, Prince, Snyder and Newhouse).

### **Brief History:**

#### **Committee Activity:**

Agriculture & Ecology: 3/20/95, 3/30/95 [DPA].

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## HOUSE COMMITTEE ON AGRICULTURE & ECOLOGY

**Majority Report:** Do pass as amended. Signed by 17 members: Representatives Chandler, Chairman; Koster, Vice Chairman; McMorris, Vice Chairman; Mastin, Ranking Minority Member; Chappell, Assistant Ranking Minority Member; Boldt; Clements; Delvin; R. Fisher; Honeyford; Johnson; Kremen; Poulsen; Regala; Robertson; Rust and Schoesler.

**Staff:** Kenneth Hirst (786-7105).

**Background:** The State's Noxious Weed Control Board adopts lists of weeds considered to be noxious and subject to control. The list is composed of Class A weeds that are to be controlled wherever they occur in the state, Class B weeds that are designated for control in specified regions of the state, and Class C weeds. A county's weed list is made up of Class A weeds, Class B weeds designated for control in the county's region, and other Class B weeds and Class C weeds selected for control by the county's noxious weed control board. Activated county noxious weed control boards and weed districts administer weed control programs within their jurisdictions. The Department of Agriculture enforces the state's weed control program in counties that do not have activated weed control boards. The department is also authorized to take actions to settle disputes between jurisdictions and has other administrative duties.

It is the duty of each owner of land to control and prevent the spread of noxious weeds from the owner's property. These owners include state agencies. However, the county boards may classify lands in a manner that modifies that responsibility. Lands not classified as agricultural lands have more limited responsibilities; except in certain instances, Class C weeds need only be controlled in buffer strips on such lands. The duty to control noxious weeds on land classified as scab or range land may be further limited. Civil infractions may be issued to those who do not control noxious weeds when notified to do so. In certain instances, the county board or the department may cause noxious weeds to be controlled on infested land at the owner's expense.

**Summary of Amended Bill:** The State Noxious Weed Control Board is instructed to develop, by contract or otherwise, a study to determine the cost of controlling weeds on state-owned or managed lands. As part of the study, the board must: identify those weed species that are practical to control and should be controlled; identify the impacts and estimate the costs of not controlling these weeds; and develop a prioritized list of weeds that are practical to control and that should be controlled on state-owned and managed lands. The board may exclude from the study those weeds that, due to high cost or impracticality, cannot be controlled on private lands.

The board is also instructed to study alternative funding mechanisms for Washington's noxious weed control program. As part of the study, the board must identify the impacts and costs of each alternative. The alternatives must address weed control needs of private citizens and governmental entities.

All state agencies must: control noxious weeds on lands they own, lease, or otherwise control; and develop plans to control noxious weeds in accordance with the state's noxious weed control laws, regardless of weed control efforts on adjacent lands. They may not shift the burden of compliance to anyone else, including but not limited to lessees and permittees.

The Senate Committee on Agriculture and Agricultural Trade and Development and the House Committee on Agriculture and Ecology must jointly study land leasing practices of state agencies in regard to weed control and report their findings to the Legislature in 1996. State agencies must list noxious weed control projects in order of priority, along with their plans to control these infestations, and submit them to committees of these committees before the 1996 regular session of the Legislature.

Counties choosing to not activate noxious weed control boards must provide payment to the Department of Agriculture for the expense of carrying out the functions of a county noxious weed control board in that county. This payment is to be equal to the number of parcels in the county multiplied by no more than three dollars, as set by rule of the Department of Agriculture. The county legislative authority may levy an

assessment against the land for this purpose or the county may appropriate money from its general fund.

Rulemaking. The Department of Agriculture may determine by rule the amount to be paid to it by a county without a activated noxious weed control board for the department's weed control expenses in the county. The amount may be up to \$3 per parcel in the county.

**Amended Bill Compared to Substitute Bill:** The striking amendment identifies the entities to which the lists and plans prepared by state agencies are to be submitted and corrects references to the State Noxious Weed Control Board.

**Appropriation:** From the general fund, the sum of \$30,000 is appropriated to Washington State University for use by the cooperative extension service in selecting, testing, and producing biological control agents for knapweed to improve field availability; and \$20,000 is appropriated to the State Weed Control Board to study the cost of controlling weeds on state-owned or managed lands.

**Fiscal Note:** Requested on March 20, 1995.

**Effective Date of Amended Bill:** The bill contains an emergency clause and takes effect July 1, 1995.

**Testimony For:** (1) Knapweed has devastated Montana; biological control is needed for this state's infestations of the weed. (2) A continuing program is necessary; exotic weeds are imported one after another. (3) The bill will assist counties that try to control noxious weeds but border counties with no weed control program. (4) Over 2,000 acres of land are lost to weed infestations each day nation-wide. Infestations create more pressure for agricultural land to be developed as its agricultural use diminishes.

**Testimony Against:** (1) It is not practical to prevent the state from requiring lessees to control weeds on leased state land when the land is surrounded by land owned by the lessee and may not be accessible to the state for control. (2) The bill focuses on control on state land; it should be remembered that much of the state's land borders on federal lands on which weeds are not controlled, which limits the effectiveness of the state's efforts.

**Testified:** Senator Rasmussen (prime sponsor); Laurie Penders, State Weed Board (pro); Terry Nowka, Chelan County Noxious Weed Control Board (pro); Robert Leonard (pro); Gene Little, Thurston County Noxious Weed Control Board (pro); Ken Rosenberg (pro); Kent Lebsack, Washington Cattlemen Association (pro); Cyreis Schmitt, Department of Fish and Wildlife (commented); and Stan Biles, Department of Natural Resources (commented).