

HOUSE BILL REPORT

SSB 6692

As Passed House:
February 29, 1996

Title: An act relating to the state weed board.

Brief Description: Providing for state and federal cooperation for weed control on federal land.

Sponsors: Senate Committee on Agriculture & Agricultural Trade & Development (originally sponsored by Senators Rasmussen, Morton and Hargrove).

Brief History:

Committee Activity:

Agriculture & Ecology: 2/22/96 [DPA].

Floor Activity:

Passed House: 2/29/96, 64-28.

HOUSE COMMITTEE ON AGRICULTURE & ECOLOGY

Majority Report: Do pass as amended. Signed by 11 members: Representatives Chandler, Chairman; Koster, Vice Chairman; Chappell, Ranking Minority Member; Linville, Assistant Ranking Minority Member; Boldt; Delvin; Honeyford; Johnson; Mastin; Robertson and Schoesler.

Minority Report: Without recommendation. Signed by 6 members: Representatives Clements; R. Fisher; Murray; Ogden; Regala and Rust.

Staff: Jennifer Galvin (786-7349).

Background:

State Noxious Weed Program. A noxious weed is any plant which when established is highly destructive, competitive, or difficult to control by cultural or chemical practices. The state has established a State Noxious Weed Control Board and has authorized the creation of County Noxious Weed Control Boards and Weed Districts to control noxious weeds.

Owners of private lands must control certain noxious weeds. If an owner fails to control the weeds, such weeds may be controlled at the owner's expense.

County Noxious Weed Control Boards may enter into agreements with appropriate authorities to control noxious weeds on Indian or federal land. With approval, the board may perform neglected noxious weed control on Indian or federal land. The state is directed to seek reimbursement for such noxious weed control.

Federal Noxious Weed Law. The Federal Noxious Weed Act of 1974, as amended, directs each federal agency to establish and adequately fund an undesirable plants management program through the agency's budgetary process, to complete and implement cooperative agreements with state agencies regarding the management of undesirable plant species on the agency's federal lands, and to establish integrated management systems to control and contain undesirable plant species targeted under cooperative agreements. These requirements apply if similar programs are being implemented on state or private lands in the same area.

Other federal law requires federal agencies to permit an agricultural or other appropriate state agency to enter federal lands to destroy noxious plants under a procedure approved by the agency if, among other conditions, the state has a similar procedure for private lands. Federal agencies are to reimburse the state agency if funds are available during that fiscal year.

Summary of Amended Bill: The current statute governing interaction with federal agencies over weed control is repealed.

The State Noxious Weed Control Board, County Noxious Weed Control Boards, and Weed Districts are directed to cooperate with federal agencies to identify and control noxious weed infestations. The boards and districts are authorized to enter federal lands to survey for and control weeds. The boards or districts are not to be held liable for such actions. If the federal agency fails to control the weeds, the local entity may bill the appropriate federal agency for the cost of the work. If unpaid, the cost may be paid from funds specifically appropriated within the Department of Agriculture or the local board or district. The Attorney General and county prosecuting attorneys must cooperatively assist the state board in any challenges to these weed control actions.

Local boards and districts may enter into agreements with appropriate authorities to control noxious weeds on Indian or federal land. The boards and districts must consult with agencies that manage state land.

Amended Bill Compared to Substitute Bill: The substitute bill clarifies that only specifically appropriated department funds can be used for the purposes of this section. The substitute also makes a number of technical corrections.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date of Amended Bill: Ninety days after adjournment of session in which bill is passed.

Testimony For: This bill sends a strong message to federal agencies to control noxious weeds and supports state and local efforts to hold federal agencies accountable.

Testimony Against: None.

Testified: Laurie McLellan-Penders, Washington State Noxious Weed Control Board (in favor).