
HOUSE BILL 1355

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67th Legislature

2021 Regular Session

By Representatives Dent, Chandler, Boehnke, Lovick, Dye, Fitzgibbon, Klippert, Jacobsen, and Schmick

Read first time 01/25/21. Referred to Committee on Rural Development, Agriculture & Natural Resources.

1 AN ACT Relating to noxious weeds; and amending RCW 17.10.010,
2 17.10.030, 17.10.050, 17.10.060, 17.10.070, 17.10.074, 17.10.100,
3 17.10.140, 17.10.145, 17.10.205, 17.10.235, 17.10.240, 17.10.890,
4 17.04.240, and 79.44.003.

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

6 **Sec. 1.** RCW 17.10.010 and 1997 c 353 s 2 are each amended to
7 read as follows:

8 The definitions in this section apply throughout this chapter
9 unless the context clearly requires otherwise:

10 (1) "Noxious weed" means a plant that when established is highly
11 destructive, competitive, or difficult to control by cultural or
12 chemical practices.

13 (2) "State noxious weed list" means a list of noxious weeds
14 adopted by the state noxious weed control board. The list is divided
15 into three classes:

16 (a) Class A consists of those noxious weeds not native to the
17 state that are of limited distribution or are unrecorded in the state
18 and that pose a serious threat to the state;

19 (b) Class B consists of those noxious weeds not native to the
20 state that are of limited distribution or are unrecorded in a region
21 of the state and that pose a serious threat to that region;

1 (c) Class C consists of any other nonnative to Washington state
2 noxious weeds.

3 (3) "Person" means any individual, partnership, corporation,
4 firm, the state or any department, agency, or subdivision thereof, or
5 any other entity.

6 (4) "Owner" means the person in actual control of property
7 including, but not limited to, deeded parcels, rights-of-way, and
8 undefined lots, or his or her agent, whether the control is based on
9 legal or equitable title or on any other interest entitling the
10 holder to possession and, for purposes of liability, pursuant to RCW
11 17.10.170 or 17.10.210, means the possessor of legal or equitable
12 title or the possessor of an easement: PROVIDED, That when the
13 possessor of an easement has the right to control or limit the growth
14 of vegetation within the boundaries of an easement, only the
15 possessor of the easement is deemed, for the purpose of this chapter,
16 an "owner" of the property within the boundaries of the easement.

17 (5) As pertains to the duty of an owner, the words "control",
18 "contain", "eradicate", and the term "prevent the spread of noxious
19 weeds" means conforming to the standards of noxious weed control or
20 prevention in this chapter or as adopted by rule in chapter 16-750
21 WAC by the state noxious weed control board and an activated county
22 noxious weed control board.

23 (6) "Agent" means any occupant or any other person acting for the
24 owner and working or in charge of the land.

25 (7) "Agricultural purposes" are those that are intended to
26 provide for the growth and harvest of food and fiber.

27 (8) "Director" means the director of the department of
28 agriculture or the director's appointed representative.

29 (9) "Weed district" means a weed district as defined in chapters
30 17.04 and 17.06 RCW.

31 (10) "Aquatic noxious weed" means an aquatic plant species that
32 is listed on the state weed list under RCW 17.10.080.

33 (11) "Screenings" means a mixture of mill or elevator run mixture
34 or a combination of varying amounts of materials obtained in the
35 process of cleaning either grain or seeds, or both, such as light or
36 broken grain or seed, weed seeds, hulls, chaff, joints, straw,
37 elevator dust, floor sweepings, sand, and dirt.

38 (12) "Parcel" means real property having a parcel number or
39 deeded real property, undefined lot, a lot having a legal

1 description, or right-of-way owned or held by the state, county, or
2 city.

3 **Sec. 2.** RCW 17.10.030 and 1997 c 353 s 4 are each amended to
4 read as follows:

5 There is created a state noxious weed control board comprised of
6 nine voting members and (~~three~~) four nonvoting members. Four of the
7 voting members shall be elected by the members of the various
8 activated county noxious weed control boards, and shall be residents
9 of a county in which a county noxious weed control board has been
10 activated and a member of said board, and those qualifications shall
11 continue through their term of office. Two of these members shall be
12 elected from the west side of the state, the crest of the Cascades
13 being the dividing line, and two from the east side of the state. The
14 director of agriculture is a voting member of the board. One voting
15 member shall be elected by the directors of the various active weed
16 districts formed under chapter 17.04 or 17.06 RCW. The Washington
17 state association of counties appoints one voting member who shall be
18 a member of a county legislative authority. A statewide association
19 representing county noxious weed coordinators appoints a nonvoting
20 technical advisor. The director shall appoint two voting members to
21 represent the public interest, one from the west side and one from
22 the east side of the state. The director shall also appoint three
23 nonvoting members representing scientific disciplines relating to
24 weed control. The term of office for all members of the board is
25 (~~three~~) four years from the date of election or appointment.

26 The board, by rule, shall establish a position number for each
27 elected position of the board and shall designate which county
28 noxious weed control board members are eligible to vote for each
29 elected position. The elected members serve staggered terms.
30 Elections for the elected members of the board shall be held thirty
31 days prior to the expiration date of their respective terms.
32 Nominations and elections shall be by mail and conducted by the
33 board.

34 The board shall conduct its first meeting within thirty days
35 after all its members have been elected. The board shall elect from
36 its members a chair and other officers as may be necessary. A
37 majority of the voting members of the board constitutes a quorum for
38 the transaction of business and is necessary for any action taken by
39 the board. The members of the board serve without salary, but shall

1 be reimbursed for travel expenses incurred in the performance of
2 their duties under this chapter in accordance with RCW 43.03.050 and
3 43.03.060.

4 **Sec. 3.** RCW 17.10.050 and 1997 c 353 s 6 are each amended to
5 read as follows:

6 (1) Each activated county noxious weed control board consists of
7 five voting members appointed by the county legislative authority in
8 the manner prescribed in this section. In appointing the voting
9 members, the county legislative authority shall divide the county
10 into five geographical areas that best represent the county's
11 interests, and appoint a voting member from each geographical area.
12 At least (~~four~~) three of the voting members shall be engaged in the
13 primary production of agricultural products. There is one nonvoting
14 member on the board who is the (~~chair~~) director of the county
15 extension office or an extension agent appointed by the (~~chair~~)
16 director of the county extension office. Each voting member of the
17 board serves a term of four years, except that the county legislative
18 authority shall, when a board is first activated under this chapter,
19 designate two voting members to serve terms of two years. The board
20 members shall not receive a salary but shall be compensated for
21 actual and necessary expenses incurred in the performance of their
22 official duties.

23 (2) (a) The voting members of the board serve until their
24 replacements are appointed. New members of the board shall be
25 appointed at least thirty days prior to the expiration of any board
26 member's term of office.

27 (b) Notice of expiration of a term of office shall be published
28 at least twice in a weekly or daily newspaper of general circulation
29 in the (~~section [geographical area]~~) geographical area with last
30 publication occurring at least ten days prior to the nomination. All
31 persons interested in appointment to the board and residing in the
32 geographical area with a pending nomination shall make a written
33 application that includes the signatures of at least ten registered
34 voters residing in the geographical area supporting the nomination to
35 the county noxious weed control board. After nominations close, the
36 county noxious weed control board shall, after a hearing, send the
37 applications to the county legislative authority recommending the
38 names of the most qualified candidates, and post the names of those
39 nominees in the county courthouse or county website and publish in at

1 least one newspaper of general circulation in the county. The county
2 legislative authority, within (~~ten~~) 60 days of receiving the list
3 of nominees, shall appoint one of those nominees to the county
4 noxious weed control board to represent that geographical area during
5 that term of office. If the county legislative authority fails to
6 appoint a nominee within the 60-day period and a quorum of the board
7 is not seated, the county noxious weed control board shall appoint a
8 nominee only to meet a quorum, who shall serve in that capacity until
9 the county legislative authority appoints a nominee to fill the
10 vacant position in the manner prescribed in this section. Not more
11 than three board members may be appointed in this manner.

12 (3) Within thirty days after all the members have been appointed,
13 the board shall conduct its first meeting. A majority of the voting
14 members of the board constitutes a quorum for the transaction of
15 business and is necessary for any action taken by the board. The
16 board shall elect from its members a chair and other officers as may
17 be necessary.

18 (4) In case of a vacancy (~~occurring in any voting position on a~~
19 ~~county noxious weed control board, the county legislative authority~~
20 ~~of the county in which the board is located shall appoint a qualified~~
21 ~~person to fill the vacancy for the unexpired term)), the position
22 must be filled in the manner prescribed in this section.~~

23 **Sec. 4.** RCW 17.10.060 and 1997 c 353 s 7 are each amended to
24 read as follows:

25 (1) Each activated county noxious weed control board (~~shall~~)
26 must employ or otherwise provide a weed coordinator whose duties are
27 fixed by the board but which shall include inspecting land to
28 determine the presence of noxious weeds, offering technical
29 assistance and education, and developing a program to achieve
30 compliance with the weed law. The weed coordinator may be employed
31 full time, part time, or seasonally by the county noxious weed
32 control board. County weed board employment practices shall comply
33 with county personnel policies. Within sixty days from initial
34 employment, the weed coordinator (~~shall obtain a pest control~~
35 ~~consultant license, a pesticide operator license)) must obtain
36 licensure consistent with Washington state department of agriculture
37 pesticide license rules, and the necessary endorsements on the
38 licenses as required by law. Each board may purchase, rent, or lease
39 equipment, facilities, or products and may hire additional persons as~~

1 it deems necessary for the administration of the county's noxious
2 weed control program.

3 (2) Each activated county noxious weed control board has the
4 power to adopt rules and regulations, subject to notice and hearing
5 as provided in (~~chapters~~) chapter 42.30 (~~and 42.32~~) RCW, as are
6 necessary for an effective county weed control or eradication
7 program.

8 (3) Each activated county noxious weed control board shall meet
9 with a quorum at least quarterly.

10 **Sec. 5.** RCW 17.10.070 and 1998 c 245 s 3 are each amended to
11 read as follows:

12 (1) In addition to the powers conferred on the state noxious weed
13 control board under other provisions of this chapter, it has the
14 power to:

15 (a) Employ a state noxious weed control board executive secretary
16 and educational specialist, both of whom must be eligible to earn
17 exchange time, and additional persons as it deems necessary, to
18 disseminate information relating to noxious weeds to county noxious
19 weed control boards and weed districts, to coordinate the educational
20 and weed control efforts of the various county and regional noxious
21 weed control boards and weed districts, and to assist the board in
22 carrying out its responsibilities;

23 (b) Adopt, amend, or repeal rules, pursuant to the administrative
24 procedure act, chapter 34.05 RCW, as may be necessary to carry out
25 the duties and authorities assigned to the board by this chapter.

26 (2) The state noxious weed control board (~~shall~~) must provide a
27 written report before January 1st of each odd-numbered year to the
28 county noxious weed control boards and the weed districts showing the
29 expenditure of state funds on noxious weed control; specifically how
30 the funds were spent; the status of the state, county, and district
31 programs; and recommendations for the continued best use of state
32 funds for noxious weed control. The report (~~shall~~) must include
33 recommendations as to the long-term needs regarding weed control.

34 **Sec. 6.** RCW 17.10.074 and 1997 c 353 s 9 are each amended to
35 read as follows:

36 (1) In addition to the powers conferred on the director under
37 other provisions of this chapter, the director, with the advice of
38 the state noxious weed control board, has power to:

1 (a) Require the county legislative authority or the noxious weed
2 control board of any county or any weed district to report to it
3 concerning the presence, absence, or estimated amount of noxious
4 weeds and measures, if any, taken or planned for the control thereof;

5 (b) Employ staff as may be necessary in the administration of
6 this chapter;

7 (c) Adopt, amend, or repeal rules, pursuant to the administrative
8 procedure act, chapter 34.05 RCW, as may be necessary to carry out
9 this chapter;

10 (d) Do such things as may be necessary and incidental to the
11 administration of its functions pursuant to this chapter including
12 but not limited to surveying for and detecting noxious weed
13 infestations(~~(f)~~

14 ~~(e))~~).

15 (2) In addition to the powers conferred on the director under the
16 provisions of this chapter, the director, with the advice of the
17 state noxious weed control board, must:

18 (a) Upon receipt of a complaint signed by a majority of the
19 members of an adjacent county noxious weed control board or weed
20 district, or by one hundred registered voters that are land owners
21 within the county, require the county legislative authority or
22 noxious weed control board of the county or weed district that is the
23 subject of the complaint to respond to the complaint within forty-
24 five days with a plan for the control of the noxious weeds cited in
25 the complaint;

26 ~~((f))~~ (b) If the complaint in ~~((e))~~ (a) of this subsection
27 involves a class A or class B noxious weed, order the county
28 legislative authority, noxious weed control board, or weed district
29 to take immediate action to eradicate or control the noxious weed
30 infestation. If the county or the weed district does not take action
31 to control the noxious weed infestation in accordance with the order,
32 the director may control it or cause it to be controlled. The county
33 or weed district is liable for payment of the expense of the control
34 work including necessary costs and expenses for attorneys' fees
35 incurred by the director in securing payment from the county or weed
36 district. The director may bring a civil action in a court of
37 competent jurisdiction to collect the expenses of the control work,
38 costs, and attorneys' fees;

39 ~~((g))~~ (c) In counties without an activated noxious weed control
40 board, enter upon any property as provided for in RCW 17.10.160,

1 issue or cause to be issued notices and citations and take the
2 necessary action to control noxious weeds as provided in RCW
3 17.10.170, hold hearings on any charge or cost of control action
4 taken as provided for in RCW 17.10.180, issue a notice of civil
5 infraction as provided for in RCW 17.10.230 (~~and~~), 17.10.310
6 (~~through and~~), and 17.10.350, and place a lien on any property
7 pursuant to RCW 17.10.280, 17.10.290, and 17.10.300 with the same
8 authorities and responsibilities imposed by these sections on county
9 noxious weed control boards;

10 (~~(h)~~) (d) Adopt a list of noxious weed seeds and toxic weeds
11 which shall be controlled in designated articles, products, or feed
12 stuffs as provided for in RCW 17.10.235.

13 (~~(2)~~) (3) The moneys appropriated for noxious weed control to
14 the department shall be used for administration of the state noxious
15 weed control board, the administration of the director's powers under
16 this chapter, the purchase of materials for controlling, containing,
17 or eradicating noxious weeds, the purchase or collection of
18 biological control agents for controlling noxious weeds, and the
19 contracting for services to carry out the purposes of this chapter.
20 In a county with an activated noxious weed control board, the
21 director shall make every effort to contract with that board for the
22 needed services.

23 (~~(3)~~) (4) If the director determines the need to reallocate
24 funds previously designated for county use, the director shall
25 convene a meeting of the state noxious weed control board to seek its
26 advice concerning any reallocation.

27 **Sec. 7.** RCW 17.10.100 and 1997 c 353 s 12 are each amended to
28 read as follows:

29 Where any of the following occur, the state noxious weed control
30 board (~~(may, following)~~) must hold a hearing, then may order any
31 county noxious weed control board or weed district to include a
32 noxious weed from the state board's list in the county's noxious weed
33 list:

34 (1) Where the state noxious weed control board receives a
35 petition from at least one hundred registered voters within the
36 county requesting that the weed be listed.

37 (2) Where the state noxious weed control board receives a request
38 for inclusion from an adjacent county's noxious weed control board or
39 weed district, which the adjacent board or district has included that

1 weed in its county or district list, and the adjacent board or weed
2 district ((alleges)) documents that its noxious weed control program
3 is being hampered by the failure to include the weed on the county's
4 noxious weed list.

5 **Sec. 8.** RCW 17.10.140 and 1997 c 353 s 17 are each amended to
6 read as follows:

7 (1) Except as is provided under subsection (2) of this section,
8 every owner ((shall)) must perform or cause to be performed those
9 acts as may be necessary to:

10 (a) Eradicate all class A noxious weeds;

11 (b) Control and prevent the spread of all class B noxious weeds
12 designated for control in that region within and from the owner's
13 property; and

14 (c) Control and prevent the spread of all class B and class C
15 noxious weeds listed on the county weed list as locally mandated
16 control priorities within and from the owner's property.

17 (2) ((Forestlands)) Every owner of forestlands classified under
18 RCW 17.10.240(2), or meeting the definition of forestlands contained
19 in RCW 17.10.240, ((are subject to the requirements of subsection
20 (1)(a) and (b) of this section at all times. Forestlands are subject
21 to the requirements of subsection (1)(c) of this section only within
22 a one thousand foot buffer strip of adjacent land uses. In addition,
23 forestlands are subject to subsection (1)(c) of this section for))
24 must perform or cause to be performed those acts as may be necessary
25 to:

26 (a) Eradicate all class A noxious weeds;

27 (b) Control and prevent the spread of all class B noxious weeds
28 designated for control in that region within and from the owner's
29 property; and

30 (c) Control and prevent the spread of all class B and class C
31 noxious weeds listed on the county weed list as locally mandated
32 control priorities within and from the owner's property only when
33 encountered in any of the following enumerated circumstances:

34 (i) Within 1,000 feet of adjacent land uses;

35 (ii) Within 50 feet of all privately owned roads unless properly
36 abandoned as defined under WAC 222-24-052 as that section existed as
37 of January 1, 2020;

1 (iii) Within 200 feet of navigable rivers, gravel pits, log
2 yards, and staging areas, except when not allowed under other state
3 or federal laws or regulations; and

4 (iv) For a single five-year period within harvested areas
5 following the harvesting of trees for ((lumber)) products.

6 **Sec. 9.** RCW 17.10.145 and 2019 c 353 s 4 are each amended to
7 read as follows:

8 (1) All state agencies shall control noxious weeds on lands they
9 own, lease, or otherwise control through integrated pest management
10 practices. Agencies shall develop plans in cooperation with county
11 noxious weed control boards to control noxious weeds in accordance
12 with standards in this chapter. Agencies shall appoint a liaison
13 whose duties include serving as a common point of contact for all
14 weed boards and developing and implementing noxious weed control
15 plans.

16 (2) All state agencies' lands must comply with this chapter,
17 regardless of noxious weed control efforts on adjacent lands.

18 (3) While conducting planned projects to ensure compliance with
19 this chapter, all agencies must give preference, when deemed
20 appropriate by the acting agency for the project and targeted
21 resource management goals, to replacing noxious weeds with native
22 forage plants that are pollen-rich or nectar-rich and beneficial for
23 all pollinators, including honey bees.

24 **Sec. 10.** RCW 17.10.205 and 1997 c 353 s 24 are each amended to
25 read as follows:

26 Open areas subject to the spread of noxious weeds, including but
27 not limited to subdivisions, school grounds, playgrounds, parks, and
28 rights-of-way shall be subject to regulation ((~~by activated county~~
29 ~~noxious weed control boards~~)) in the same manner and to the same
30 extent as is provided for all terrestrial and aquatic lands of the
31 state.

32 **Sec. 11.** RCW 17.10.235 and 1997 c 353 s 26 are each amended to
33 read as follows:

34 (1) The director of agriculture shall adopt, with the advice of
35 the state noxious weed control board, rules designating noxious weed
36 seeds which shall be controlled in products, screenings, or articles
37 to prevent the spread of noxious weeds. The rules shall identify the

1 products, screenings, and articles in which the seeds must be
2 controlled and the maximum amount of the seed to be permitted in the
3 product, screenings, or article to avoid a hazard of spreading the
4 noxious weed by seed from the product, screenings, or article. The
5 director shall also adopt, with the advice of the state board, rules
6 designating toxic weeds which shall be controlled in feed stuffs and
7 screenings to prevent injury to the animal that consumes the feed.
8 The rules shall identify the feed stuffs and screenings in which the
9 toxic weeds must be controlled and the maximum amount of the toxic
10 weed to be permitted in the feed. Rules developed under this section
11 shall identify ways that products, screenings, articles, or feed
12 stuffs containing noxious weed seeds or toxic weeds can be made
13 available for beneficial uses.

14 (2) Any person who knowingly or negligently sells or otherwise
15 distributes a product, article, screenings, or feed stuff designated
16 by rule containing noxious weed seeds or toxic weeds designated for
17 control by rule and in an amount greater than the amount established
18 by the director for the seed or weed by rule is guilty of a
19 misdemeanor.

20 (3) The department of agriculture shall, upon request of the
21 buyer, county weed board, or weed district, inspect products,
22 screenings, articles, or feed stuffs designated by rule and charge
23 fees, in accordance with chapter 22.09 RCW, to determine the presence
24 of designated noxious weed seeds or toxic weeds.

25 **Sec. 12.** RCW 17.10.240 and 1997 c 353 s 27 are each amended to
26 read as follows:

27 (1) The activated county noxious weed control board of each
28 county shall annually submit a budget to the county legislative
29 authority for the operating cost of the county's weed program for the
30 ensuing fiscal year: PROVIDED, That if the board finds the budget
31 approved by the legislative authority is insufficient for an
32 effective county noxious weed control program (~~it shall petition the~~
33 ~~county legislative authority to hold a hearing as provided in RCW~~
34 ~~17.10.890. Control of weeds is a benefit to the lands within any such~~
35 ~~section)), the board may submit a budget amendment to the county
36 legislative authority after which the county legislative authority
37 must hold a hearing as provided in chapter 36.40 RCW.~~

38 Activities and programs to limit economic loss and adverse
39 effects due to the presence and spread of noxious weeds on all

1 terrestrial and aquatic areas in the state are declared to be of
2 special benefit, including to lands owned or held by the state, and
3 may be used as the basis upon which special assessments are imposed
4 by the county legislative authority.

5 Funding for the budget is derived from any or all of the
6 following: (a) The county legislative authority may, in lieu of a
7 tax, levy an assessment against the land for this purpose. Whenever
8 there is included within the jurisdiction of any weed control board
9 lands owned or held by the state, the county legislative authority
10 shall determine the amount of the tax or assessment for which the
11 land would be liable if the land were in private ownership. Taxes or
12 assessments, as appropriate, on lands owned or held by the state must
13 be presented to the appropriate state agency and must be paid by the
14 appropriate state agency, according to the process set forth in
15 chapter 79.44 RCW.

16 Prior to the levying of an assessment the county noxious weed
17 control board shall hold a public hearing at which it will gather
18 information to serve as a basis for classification and then classify
19 the lands into suitable classifications, including but not limited to
20 dry lands, range lands, irrigated lands, nonuse lands, forestlands,
21 or federal lands. The board shall develop and forward to the county
22 legislative authority, as a proposed level of assessment for each
23 class, an amount as seems just. The assessment rate shall be either
24 uniform per acre in its respective class or a flat rate per parcel
25 rate plus a uniform rate per acre(~~(: PROVIDED, That if no benefits~~
26 ~~are found to accrue to a class of land, a zero assessment may be~~
27 ~~levied)) or, for rights-of-way, a rate based on centerline miles. The
28 county legislative authority, upon receipt of the proposed levels of
29 assessment from the board, after a hearing, shall accept or modify by
30 resolution, or refer back to the board for its reconsideration all or
31 any portion of the proposed levels of assessment. The amount of the
32 assessment constitutes a lien against the property. The county
33 legislative authority may by resolution or ordinance require that
34 notice of the lien be sent to each owner of property for which the
35 assessment has not been paid by the date it was due and that each
36 lien created be collected by the treasurer in the same manner as
37 delinquent real property tax, if within thirty days from the date the
38 owner is sent notice of the lien, including the amount thereof, the
39 lien remains unpaid and an appeal has not been made pursuant to RCW
40 17.10.180. Liens treated as delinquent taxes bear interest at the~~

1 rate of twelve percent per annum and the interest accrues as of the
2 date notice of the lien is sent to the owner: PROVIDED FURTHER, That
3 any collections for the lien shall not be considered as tax; or

4 (b) The county legislative authority may appropriate money from
5 the county general fund necessary for the administration of the
6 county noxious weed control program. In addition the county
7 legislative authority may make emergency appropriations as it deems
8 necessary for the implementation of this chapter.

9 (2) Forestlands used solely for the planting, growing, or
10 harvesting of trees and which are typified, except during a single
11 period of five years following clear-cut logging, by canopies so
12 dense as to prohibit growth of an understory may be subject to an
13 annual noxious weed assessment levied by a county legislative
14 authority that does not exceed one-tenth of the weighted average per
15 acre noxious weed assessment levied on all other lands in
16 unincorporated areas within the county that are subject to the weed
17 assessment. This assessment shall be computed in accordance with the
18 formula in subsection (3) of this section.

19 (3) The calculation of the "weighted average per acre noxious
20 weed assessment" is a ratio expressed as follows:

21 (a) The numerator is the total amount of funds estimated to be
22 collected from the per acre assessment on all lands except (i)
23 forestlands as identified in subsection (2) of this section, (ii)
24 lands exempt from the noxious weed assessment, and (iii) lands
25 located in an incorporated area.

26 (b) The denominator is the total acreage from which funds in (a)
27 of this subsection are collected. For lands of less than one acre in
28 size, the denominator calculation may be based on the following
29 assumptions: (i) Unimproved lands are calculated as being one-half
30 acre in size on the average, and (ii) improved lands are calculated
31 as being one-third acre in size on the average. The county
32 legislative authority may choose to calculate the denominator for
33 lands of less than one acre in size using other assumptions about
34 average parcel size based on local information.

35 (4) For those counties that levy a per parcel assessment to help
36 fund noxious weed control programs, the per parcel assessment on
37 forestlands as defined in subsection (2) of this section shall not
38 exceed one-tenth of the per parcel assessment on nonforestlands.

1 **Sec. 13.** RCW 17.10.890 and 1997 c 353 s 32 are each amended to
2 read as follows:

3 (~~The following procedures shall be followed to deactivate a~~
4 ~~county noxious weed control board~~) A county noxious weed control
5 board may be deactivated only if there are neither any class A
6 noxious weeds nor any class B noxious weeds in the county. Upon
7 receiving documentation of the absence in the county of both class A
8 noxious weeds and class B noxious weeds, the county legislative
9 authority may initiate the following procedures:

10 (1) The county legislative authority holds a hearing to determine
11 whether there continues to be a need for an activated county noxious
12 weed control board if:

13 (a) A petition is filed by one hundred registered voters within
14 the county;

15 (b) A petition is filed by a county noxious weed control board as
16 provided in RCW 17.10.240; or

17 (c) The county legislative authority passes a motion to hold such
18 a hearing.

19 (2) Except as provided in subsection (4) of this section, the
20 hearing shall be held within sixty days of final action taken under
21 subsection (1) of this section.

22 (3) If, after a hearing, the county legislative authority
23 determines that no need exists for a county noxious weed control
24 board, due to the absence of class A or class B noxious weeds
25 designated for control in the region, the county legislative
26 authority shall deactivate the board.

27 (4) The county legislative authority shall not convene a hearing
28 as provided for in subsection (1) of this section more frequently
29 than once a year.

30 **Sec. 14.** RCW 17.04.240 and 1957 c 13 s 2 are each amended to
31 read as follows:

32 (1) The directors shall annually determine the amount of money
33 necessary to carry on the operations of the district and shall
34 classify the property therein in proportion to the benefits to be
35 derived from the operations of the district and in accordance with
36 such classification shall prorate the cost so determined and shall
37 levy assessments to be collected with the general taxes of the
38 county. In the event that any bonded or warrant indebtedness pledging
39 tax revenue of the district shall be outstanding on April 1, 1951,

1 the directors may, for the sole purpose of retiring such
2 indebtedness, continue to levy a tax upon all taxable property in the
3 district until such bonded or warrant indebtedness shall have been
4 retired.

5 (2) Activities and programs to limit economic loss and adverse
6 effects due to the presence and spread of noxious weeds on all
7 terrestrial and aquatic areas in the state are declared to be of
8 special benefit, including to lands owned or held by the state, and
9 may be used as the basis upon which special assessments are imposed
10 by the county legislative authority.

11 **Sec. 15.** RCW 79.44.003 and 1999 c 153 s 68 are each amended to
12 read as follows:

13 As used in this chapter "assessing district" means:

- 14 (1) Incorporated cities and towns;
- 15 (2) Diking districts;
- 16 (3) Drainage districts;
- 17 (4) Port districts;
- 18 (5) Irrigation districts;
- 19 (6) Water-sewer districts;
- 20 (7) Counties; (~~and~~)
- 21 (8) Weed boards and weed districts; and

22 (9) Any municipal corporation or public agency having power to
23 levy local improvement or other assessments, rates, or charges which
24 by statute are expressly made applicable to lands of the state.

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