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**SUBSTITUTE SENATE BILL 5442**

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**State of Washington**

**54th Legislature**

**1995 Regular Session**

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

Read first time 02/28/95.

1 AN ACT Relating to weed control; amending RCW 17.10.240; adding a  
2 new section to chapter 17.10 RCW; creating new sections; making  
3 appropriations; providing an effective date; and declaring an  
4 emergency.

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

6 NEW SECTION. **Sec. 1.** The legislature finds that in Washington,  
7 the loss of state lands from productive use due to infestation by  
8 noxious weeds is a major public concern.

9 It is the intent of the legislature that serious and fundamental  
10 policy direction be given to state agencies to:

11 (1) Ensure that state lands set an example of excellence in noxious  
12 weed control and eradication on state lands;

13 (2) Halt the spread of noxious weeds from state to private lands;

14 (3) Recognize that state agencies are ultimately responsible for  
15 noxious weed control on state land, regardless of type, timing, or  
16 amount of use;

17 (4) Recognize that the public is not well served by the spread of  
18 noxious weeds on state lands, in part, because of the decrease in  
19 wildlife habitat and loss of land productivity.

1 The legislature further finds that biological control agents  
2 represent one of the only cost-effective control measures for existing,  
3 widespread noxious weed infestations. Members of the genus *Centaurea*,  
4 commonly referred to as knapweeds, currently infest and destroy the  
5 productivity of hundreds of thousands of acres in Washington.

6 NEW SECTION. **Sec. 2.** The state weed board shall develop a study  
7 to determine the cost of controlling weeds on state-owned or managed  
8 lands, included along state-owned rights of way. The state weed board  
9 may conduct the study, or may contract with either public or private  
10 agencies to conduct and complete the study. The departments of natural  
11 resources, transportation, and fish and wildlife, and the parks and  
12 recreation commission shall cooperate with the weed board or the  
13 contractor in the study.

14 As part of the study, the state weed board shall identify those  
15 weed species that are practical to control and should be controlled.  
16 The board shall also identify the impacts and estimate the costs of not  
17 controlling these weeds. The state weed board may exclude from the  
18 study those weeds that, due to high cost or impracticality, cannot be  
19 controlled on private lands. The board shall develop a prioritized  
20 list of weeds that are practical to control and that should be  
21 controlled on state-owned and managed lands.

22 NEW SECTION. **Sec. 3.** The state noxious weed control board shall  
23 study alternative funding mechanisms for Washington's noxious weed  
24 control program. The departments of natural resources, transportation,  
25 and fish and wildlife, and the parks and recreation commission shall  
26 cooperate with the weed board in the study. As part of the study, the  
27 state weed board shall identify the impacts and costs of each  
28 alternative. Funding alternatives shall address weed control needs of  
29 private citizens, local governments, county weed boards, state  
30 agencies, the state noxious weed control board, and federal agencies.

31 NEW SECTION. **Sec. 4.** A new section is added to chapter 17.10 RCW  
32 to read as follows:

33 All state agencies shall control noxious weeds on lands they own,  
34 lease, or otherwise control. Agencies shall develop plans to control  
35 noxious weeds in accordance with standards in this chapter. All state  
36 agencies' lands must comply with this chapter, regardless of noxious

1 weed control efforts on adjacent lands. Agencies may not shift their  
2 burden of complying with this chapter to anyone else, including but not  
3 limited to lessees and permittees. County weed control board shall  
4 assist landowners to meet and exceed the standards on state lands.

5 NEW SECTION. **Sec. 5.** (1) The standing committee on agriculture  
6 and agricultural trade and development of the senate and the standing  
7 committee on agriculture and ecology of the house of representatives  
8 shall jointly study land leasing practices of state agencies in regard  
9 to weed control and report their findings to the legislature in 1996.

10 (2) State agencies shall list noxious weed control projects in  
11 their respective jurisdictions in order of priority, along with their  
12 plans to control these infestations, for the 1996 legislature.

13 **Sec. 6.** RCW 17.10.240 and 1987 c 438 s 31 are each amended to read  
14 as follows:

15 The activated county noxious weed control board of each county  
16 shall annually submit a budget to the county legislative authority for  
17 the operating cost of the county's weed program for the ensuing fiscal  
18 year: PROVIDED, That if the board finds the budget approved by the  
19 legislative authority is insufficient for an effective county noxious  
20 weed control program it shall petition the county legislative authority  
21 to hold a hearing as provided in RCW 17.10.890. Control of weeds is a  
22 special benefit to the lands within any such section. Funding for the  
23 budget shall be derived from (~~either or both~~) any or all of the  
24 following:

25 (1) The county legislative authority may, in lieu of a tax, levy an  
26 assessment against the land for this purpose. Prior to the levying of  
27 an assessment the county noxious weed control board shall hold a public  
28 hearing at which it shall gather information to serve as a basis for  
29 classification and shall then classify the lands into suitable  
30 classifications, including but not limited to dry lands, range lands,  
31 irrigated lands, nonuse lands, forest lands, or federal lands. The  
32 board shall develop and forward to the county legislative authority, as  
33 a proposed level of assessment for each class, such an amount as shall  
34 seem just. The assessment rate shall be either uniform per acre in its  
35 respective class or a flat rate per parcel rate plus a uniform rate per  
36 acre: PROVIDED, That if no special benefits should be found to accrue  
37 to a class of land, a zero assessment may be levied. The legislative

1 authority, upon receipt of the proposed levels of assessment from the  
2 board, after a hearing, shall accept, modify, or refer back to the  
3 board for its reconsideration all or any portion of the proposed levels  
4 of assessment. The findings by the county legislative authority of  
5 such special benefits, when so declared by resolution and spread upon  
6 the minutes of said authority shall be conclusive as to whether or not  
7 the same constitutes a special benefit to the lands within the section.  
8 The amount of such assessment shall constitute a lien against the  
9 property. The county legislative authority may by resolution or  
10 ordinance require that notice of the lien be sent to each owner of  
11 property for which the assessment has not been paid by the date it was  
12 due and that each such lien created shall be collected by the treasurer  
13 in the same manner as delinquent real property tax, if within thirty  
14 days from the date the owner is sent notice of the lien, including the  
15 amount thereof, the lien remains unpaid and an appeal has not been made  
16 pursuant to RCW 17.10.180. Liens treated as delinquent taxes shall  
17 bear interest at the rate of twelve percent per annum and such interest  
18 shall accrue as of the date notice of the lien is sent to the owner:  
19 PROVIDED FURTHER, That any collections for such lien shall not be  
20 considered as tax; or

21 (2) The county legislative authority may appropriate money from the  
22 county general fund necessary for the administration of the county  
23 noxious weed control program. In addition the county legislative  
24 authority may make emergency appropriations as it deems necessary for  
25 the implementation of this chapter.

26 (3) Forest lands used solely for the planting, growing, or  
27 harvesting of trees and which are typified, except during a single  
28 period of five years following clear-cut logging, by canopies so dense  
29 as to prohibit growth of an understory may be subject to an annual  
30 noxious weed assessment levied by a county legislative authority that  
31 shall not exceed one-tenth of the weighted average per acre noxious  
32 weed assessment levied on all other lands in unincorporated areas  
33 within the county that are subject to the weed assessment. This  
34 assessment shall be computed in accordance with the formula in  
35 subsection (4) of this section.

36 (4) The calculation of the "weighted average per acre noxious weed  
37 assessment" shall be a ratio expressed as follows: (a) The numerator  
38 shall be the total amount of funds estimated to be collected from the  
39 per acre assessment on all lands except (i) forest lands as identified

1 in subsection (3) of this section, (ii) lands exempt from the noxious  
2 weed assessment, and (iii) lands located in an incorporated area. (b)  
3 The denominator shall be the total acreage from which funds in (a) of  
4 this subsection are collected. For lands of less than one acre in  
5 size, the denominator calculation may be based on the following  
6 assumptions: (i) Unimproved lands shall be calculated as being one-  
7 half acre in size on the average, and (ii) improved lands shall be  
8 calculated as being one-third acre in size on the average. The county  
9 legislative authority may choose to calculate the denominator for lands  
10 of less than one acre in size using other assumptions about average  
11 parcel size based on local information.

12 (5) For those counties that levy a per parcel assessment to help  
13 fund noxious weed control programs, the per parcel assessment on forest  
14 lands as defined in subsection (3) of this section shall not exceed  
15 one-tenth of the per parcel assessment on nonforest lands.

16 (6) Counties choosing to not activate noxious weed control boards  
17 shall provide payment to the department of agriculture for the expense  
18 of carrying out the functions of a county noxious weed control board in  
19 that county. This payment shall be equal to the number of parcels in  
20 the county multiplied by no more than three dollars, as set by rule of  
21 the department of agriculture. The county legislative authority may  
22 levy an assessment against the land for this purpose, consistent with  
23 subsection (1) of this section, or the county may appropriate money  
24 from its general fund for this purpose.

25 NEW SECTION. Sec. 7. The sum of thirty thousand dollars, or as  
26 much thereof as may be necessary, is appropriated from the general fund  
27 for the biennium ending June 30, 1997, to Washington State University  
28 for the use of the cooperative extension service in the selection,  
29 testing, and production of biological control agents for knapweed  
30 species on the state noxious weed list adopted under RCW 17.10.080,  
31 with the intent of improving field availability of these agents.

32 NEW SECTION. Sec. 8. The sum of twenty thousand dollars, or as  
33 much thereof as may be necessary, is appropriated from the general fund  
34 for the biennium ending June 30, 1997, to the state weed board to  
35 study, or contract for a study, on the cost of controlling weeds on  
36 state-owned or managed lands.

1        NEW SECTION.    **Sec. 9.**    This act is necessary for the immediate  
2    preservation of the public peace, health, or safety, or support of the  
3    state government and its existing public institutions, and shall take  
4    effect July 1, 1995.

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