
SENATE BILL 6707

State of Washington

58th Legislature

2004 Regular Session

By Senators Morton, Winsley, Fraser and Rasmussen

Read first time 02/03/2004. Referred to Committee on Natural Resources, Energy & Water.

1 AN ACT Relating to creating a public lands advisory commission for
2 noxious weed management; and adding new sections to chapter 17.10 RCW.

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

4 NEW SECTION. **Sec. 1.** (1) The legislature finds that noxious plant
5 species cause economic hardship to Washington's public, private, and
6 tribal landowners, damage native ecosystems, and deprive wildlife of
7 food sources and habitat. The legislature further finds that effective
8 action in controlling noxious weeds has been hampered by inadequate
9 agency coordination and ineffective noxious weed management. The
10 legislature further finds that prevention is much cheaper than control
11 and that prevention and control of noxious weed infestations can best
12 be accomplished when weed managers, land managers, and the public
13 engage in collaborative efforts.

14 (2) The legislature therefore declares that Washington must
15 establish an early detection and rapid response system for noxious
16 weeds and develop a state agency action plan to strengthen statewide
17 coordination of weed management activities to be carried out at the
18 local level. Further, the goal of this act is to encourage state

1 agencies and private landowners to work together to alleviate the
2 economic and habitat losses that noxious weeds are causing statewide.

3 NEW SECTION. **Sec. 2.** (1) Each state agency whose actions may
4 affect the status of noxious weeds must, to the extent permitted by law
5 and consistent with the public lands noxious weed management plan:

- 6 (a) Identify such actions; and
- 7 (b) Use relevant programs and authorities to: (i) Prevent the
8 introduction of noxious weeds; (ii) detect and respond rapidly to and
9 control populations of such species in a cost-effective manner; (iii)
10 monitor noxious weed populations accurately and reliably; (iv) provide
11 for restoration of native species and habitat conditions in areas that
12 have been invaded; (v) develop strategies to prevent introduction and
13 provide for control of noxious weeds; and (vi) promote public education
14 on noxious weeds and the means to address them.

15 (2) For the purposes of this section, "control" means as
16 appropriate, eradicating, suppressing, reducing, or managing noxious
17 weed populations, preventing spread of noxious weeds from areas where
18 they are present, and taking steps such as restoration of native
19 species and habitats to reduce the effects of noxious weeds and to
20 prevent further invasions.

21 NEW SECTION. **Sec. 3.** (1) A public lands advisory commission for
22 noxious weed management is established. Commission members must
23 include a representative from the department of agriculture, the
24 department of ecology, the department of fish and wildlife, the
25 department of natural resources, the department of transportation, the
26 conservation commission, the parks and recreation commission, a county
27 weed board representative, and a weed district representative. The
28 commission must be chaired by the representative of the department of
29 agriculture. The commission may invite a tribal representative and
30 additional state and federal agency representatives to be members,
31 including representatives from state and federal bureaus or offices
32 with significant responsibilities concerning noxious weeds, and may
33 prescribe special procedures for their participation. The department
34 of agriculture's representative must appoint an executive director of
35 the commission and must provide the staff and administrative support
36 for the commission.

1 (2) The commission chair and cochairs, if any, must establish an
2 advisory committee to provide information and advice for consideration
3 by the commission, and must, after consultation with other members of
4 the commission, appoint members of the advisory committee representing
5 stakeholders. Among other things, the advisory committee must
6 recommend plans and actions at local, tribal, state, and regional
7 levels to achieve the goals and objectives of the public lands noxious
8 weed management plan in section 5 of this act. The advisory committee
9 must act in cooperation with stakeholders and existing organizations
10 addressing noxious weeds. The department of agriculture must provide
11 the administrative support for the advisory committee.

12 (3) For the purposes of this section, "stakeholders" means, but is
13 not limited to, state, tribal, and local government agencies, academic
14 institutions, the scientific community, nongovernmental entities
15 including environmental, agricultural, and conservation organizations,
16 trade groups, commercial interests, and private landowners.

17 NEW SECTION. **Sec. 4.** The commission must provide statewide
18 leadership regarding noxious weed management, and must:

19 (1) Oversee the implementation of this act and see that the state
20 agency activities concerning noxious weeds are coordinated,
21 complementary, cost-efficient, and effective, relying to the extent
22 feasible and appropriate on existing organizations addressing noxious
23 weeds, such as the department of agriculture, the department of natural
24 resources, state and county weed control boards, and weed districts;

25 (2) Encourage planning and action at local, tribal, state, and
26 regional levels to achieve the goals and objectives of the management
27 plan under section 5 of this act, in cooperation with stakeholders and
28 existing organizations addressing noxious weeds;

29 (3) Develop, in consultation with the advisory committee, guidance
30 to state agencies on prevention and control of noxious weeds, including
31 the procurement, use, and maintenance of native species as they affect
32 noxious weeds;

33 (4) Facilitate development of a coordinated network among state
34 agencies to document, evaluate, and monitor impacts from noxious weeds;

35 (5) Facilitate establishment of a coordinated, up-to-date
36 information-sharing system that uses the internet, to the greatest
37 extent practicable. This system shall facilitate access to and

1 exchange of information concerning noxious weeds, including, but not
2 limited to: Information on distribution and abundance of noxious
3 weeds; life histories of such weeds and noxious characteristics;
4 economic, environmental, and human health impacts; management
5 techniques; and laws and programs for management, research, and public
6 education; and

7 (6) Prepare and issue a public lands noxious weed management plan
8 as set forth in section 5 of this act.

9 NEW SECTION. **Sec. 5.** (1) Within twenty-four months after the
10 effective date of this act, the commission shall prepare and issue the
11 first edition of a public lands noxious weed management plan, which
12 must detail and recommend performance-oriented goals and objectives and
13 specific measures of success for state agency efforts concerning
14 noxious weeds. The plan shall recommend specific objectives and
15 measures for carrying out each of the state agency duties established
16 in section 2(1) of this act and must set forth steps to be taken by the
17 commission to carry out the duties assigned to it under section 4 of
18 this act. The plan shall be developed in consultation with state
19 agencies and stakeholders.

20 (2) The first edition of the public lands noxious weed management
21 plan shall include a review of existing and prospective approaches and
22 authorities for preventing the introduction and spread of noxious
23 weeds, including those for identifying pathways by which noxious weeds
24 are introduced and for minimizing the risk of introductions via those
25 pathways, and shall identify research needs and recommend measures to
26 minimize the risk that introductions will occur. Such recommended
27 measures shall provide for a science-based process to evaluate risks
28 associated with the introduction and spread of noxious weeds and a
29 coordinated and systematic risk-based process to identify, monitor, and
30 interdict pathways that may be involved in the introduction of noxious
31 weeds. If recommended measures are not authorized by current law, the
32 commission must develop and recommend to the legislature through its
33 chair, in bill form, legislative proposals for necessary changes in
34 authority.

35 (3) The commission must update the public lands noxious weed
36 management plan biennially and shall concurrently evaluate and report
37 on success in achieving the goals and objectives set forth in the plan.

1 The plan must identify the personnel, other resources, and additional
2 levels of coordination needed to achieve the plan's identified goals
3 and objectives, and the commission must provide each edition of the
4 plan and each report on it to the appropriate legislative committees.
5 Within twenty-four months after measures have been recommended by the
6 commission in any edition of the plan, each state agency whose action
7 is required to implement such measures must either take the action
8 recommended or must provide the commission with an explanation of why
9 the action is not feasible.

10 (4) The commission must assess the effectiveness of this act no
11 less than once every five years after the effective date of this act
12 and report its results to the appropriate legislative committees.

13 (5) The commission must report to the appropriate legislative
14 committees biannually as to the commission's budget, its progress in
15 meeting its stated goals and objectives, and any concerns or requests
16 of the commission.

17 NEW SECTION. **Sec. 6.** (1) This act is intended only to improve the
18 internal management of the executive branch and is not intended to
19 create any right, benefit, or trust responsibility, substantive or
20 procedural, enforceable at law or equity by a party against the state,
21 its agencies, its officers, or any other person.

22 (2) The requirements of this act do not affect the obligations of
23 state agencies under chapter 77.115 RCW with respect to aquaculture
24 disease control.

25 NEW SECTION. **Sec. 7.** Sections 1 through 6 of this act are each
26 added to chapter 17.10 RCW.

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