

# SENATE BILL REPORT

## SB 5745

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As Reported by Senate Committee On:  
Natural Resources, Ocean & Recreation, February 18, 2009

**Title:** An act relating to addressing the spread of invasive plant species in Washington.

**Brief Description:** Addressing the spread of invasive plant species in Washington.

**Sponsors:** Senators Hargrove and Jacobsen.

**Brief History:**

**Committee Activity:** Natural Resources, Ocean & Recreation: 2/12/09, 2/18/09 [DP].

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### SENATE COMMITTEE ON NATURAL RESOURCES, OCEAN & RECREATION

**Majority Report:** Do pass.

Signed by Senators Jacobsen, Chair; Ranker, Vice Chair; Morton, Ranking Minority Member; Fraser, Hargrove, Hatfield, Stevens and Swecker.

**Staff:** Curt Gavigan (786-7437)

**Background:** State Noxious Weed List. Each year, the State Noxious Weed Board adopts the state noxious weed list (state list). A noxious weed is a plant that is highly destructive, competitive, or difficult to control once established. The state list is divided into three classes:

- class A includes noxious weeds that are not native to the state, of limited distribution or unrecorded, and that pose a serious threat. A landowner must eradicate all class A noxious weeds;
- class B includes noxious weeds that are not native to the state, of limited distribution or unrecorded, and that pose a serious threat to a specific region of the state. A landowner must control and prevent the spread of class B noxious weeds designated for control in a particular region, or designated for control by the county noxious weed board; and
- class C includes any other noxious weed. A landowner must control and prevent the spread of those class C noxious weeds identified by a county noxious weed board.

Defining Landowner Duties. In defining various terms relating to landowner duties, including the terms "control" and "prevent the spread of," the statute refers to the State Noxious Weed Board's administrative rules.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

Enforcement of the Noxious Weed Law. Where landowners do not control noxious weeds as required, statute sets a process by which a county noxious weed board can:

- order prompt control of the noxious weed;
- issue a civil infraction; and
- take measures to control noxious weeds at the expense of the owner.

**Summary of Bill:** The State Noxious Weed Board must ensure that the definitions of certain terms in its administrative rules relating to a landowner's duty to control noxious weeds address the spread of noxious weeds by seed as well as other reproductive propagules. At a minimum, the definitions in rule must adequately address the spread of certain species of knotweed by propagules including rhizomes and fragments.

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** No.

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

**Staff Summary of Public Testimony:** PRO: The Washington State Noxious Weed Control Board is working towards fixing issues with the definitions pertaining to a landowner's duty to control noxious weeds, and appreciates the intent of the legislation to address the spread of noxious weeds.

**Persons Testifying:** PRO: Alison Halpern, Washington State Noxious Weed Control Board.