

CERTIFICATION OF ENROLLMENT

**SUBSTITUTE HOUSE BILL 1355**

Chapter 217, Laws of 2021

67th Legislature  
2021 Regular Session

NOXIOUS WEED CONTROL—VARIOUS PROVISIONS

EFFECTIVE DATE: July 25, 2021

Passed by the House April 12, 2021  
Yeas 98 Nays 0

LAURIE JINKINS

**Speaker of the House of  
Representatives**

Passed by the Senate April 8, 2021  
Yeas 47 Nays 0

DENNY HECK

**President of the Senate**

Approved May 10, 2021 3:13 PM

JAY INSLEE

**Governor of the State of Washington**

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1355** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BERNARD DEAN

**Chief Clerk**

FILED

May 10, 2021

**Secretary of State  
State of Washington**

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**SUBSTITUTE HOUSE BILL 1355**

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AS AMENDED BY THE SENATE

Passed Legislature - 2021 Regular Session

**State of Washington                      67th Legislature                      2021 Regular Session**

**By** House Rural Development, Agriculture & Natural Resources  
(originally sponsored by Representatives Dent, Chandler, Boehnke,  
Lovick, Dye, Fitzgibbon, Klippert, Jacobsen, and Schmick)

READ FIRST TIME 02/10/21.

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, 79.44.003, 17.04.180, and 17.15.020.

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, public rights-of-way,  
8 and undefined lots, or his or her agent, whether the control is based  
9 on 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) "Assessment" means a special assessment levied by a county  
39 legislative authority pursuant to RCW 17.10.240.

1       (13) "Centerline miles" means the length of any given road right-  
2 of-way corridor in miles, along the center line of the overall  
3 roadway alignment.

4       (14) "Parcel" means real property having a parcel number or  
5 deeded real property, undefined lot, a lot having a legal  
6 description, or right-of-way owned or held by the state, county, or  
7 city.

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

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

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

1 The board shall conduct its first meeting within thirty days  
2 after all its members have been elected. The board shall elect from  
3 its members a chair and other officers as may be necessary. A  
4 majority of the voting members of the board constitutes a quorum for  
5 the transaction of business and is necessary for any action taken by  
6 the board. The members of the board serve without salary, but shall  
7 be reimbursed for travel expenses incurred in the performance of  
8 their duties under this chapter in accordance with RCW 43.03.050 and  
9 43.03.060.

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

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

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

33 (b) Notice of expiration of a term of office shall be published  
34 at least twice in a weekly or daily newspaper of general circulation  
35 in the (~~section [geographical area]~~) geographical area with last  
36 publication occurring at least ten days prior to the nomination. All  
37 persons interested in appointment to the board and residing in the  
38 geographical area with a pending nomination shall make a written  
39 application that includes the signatures of at least ten registered

1 voters residing in the geographical area supporting the nomination to  
2 the county noxious weed control board. After nominations close, the  
3 county noxious weed control board shall, after a hearing, send the  
4 applications to the county legislative authority recommending the  
5 names of the most qualified candidates, and post the names of those  
6 nominees in the county courthouse or county website and publish in at  
7 least one newspaper of general circulation in the county. The county  
8 legislative authority, within ~~((ten))~~ 60 days of receiving the list  
9 of nominees, shall appoint one of those nominees to the county  
10 noxious weed control board to represent that geographical area during  
11 that term of office. If the county legislative authority fails to  
12 appoint a nominee within the 60-day period and a quorum of the board  
13 is not seated, the county noxious weed control board shall appoint a  
14 nominee only to meet a quorum, who shall serve in that capacity until  
15 the county legislative authority appoints a nominee to fill the  
16 vacant position in the manner prescribed in this section. Not more  
17 than three board members may be appointed in this manner.

18 (3) Within thirty days after all the members have been appointed,  
19 the board shall conduct its first meeting. A majority of the voting  
20 members of the board constitutes a quorum for the transaction of  
21 business and is necessary for any action taken by the board. The  
22 board shall elect from its members a chair and other officers as may  
23 be necessary.

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

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

31 (1) Each activated county noxious weed control board ~~((shall))~~  
32 must employ or otherwise provide a weed coordinator whose duties are  
33 fixed by the board but which shall include inspecting land to  
34 determine the presence of noxious weeds, offering technical  
35 assistance and education, and developing a program to achieve  
36 compliance with the weed law. The weed coordinator may be employed  
37 full time, part time, or seasonally by the county noxious weed  
38 control board. County weed board employment practices shall comply  
39 with county personnel policies. Within sixty days from initial

1 employment, the weed coordinator (~~shall obtain a pest control~~  
2 ~~consultant license, a pesticide operator license~~) must obtain  
3 licensure consistent with Washington state department of agriculture  
4 pesticide license rules, and the necessary endorsements on the  
5 licenses as required by law. Each board may purchase, rent, or lease  
6 equipment, facilities, or products and may hire additional persons as  
7 it deems necessary for the administration of the county's noxious  
8 weed control program.

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

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

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

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

21 (a) Employ a state noxious weed control board executive secretary  
22 and educational specialist, and additional persons as it deems  
23 necessary, to disseminate information relating to noxious weeds to  
24 county noxious weed control boards and weed districts, to coordinate  
25 the educational and weed control efforts of the various county and  
26 regional noxious weed control boards and weed districts, and to  
27 assist the board in carrying out its responsibilities;

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

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

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

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

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

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

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

15       (d) Do such things as may be necessary and incidental to the  
16 administration of its functions pursuant to this chapter including  
17 but not limited to surveying for and detecting noxious weed  
18 infestations(~~(~~

19       ~~e))~~).

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

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

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



1 district. The director may bring a civil action in a court of  
2 competent jurisdiction to collect the expenses of the control work,  
3 costs, and attorneys' fees;

4 ~~((g))~~ (c) In counties without an activated noxious weed control  
5 board, enter upon any property as provided for in RCW 17.10.160,  
6 issue or cause to be issued notices and citations and take the  
7 necessary action to control noxious weeds as provided in RCW  
8 17.10.170, hold hearings on any charge or cost of control action  
9 taken as provided for in RCW 17.10.180, issue a notice of civil  
10 infraction as provided for in RCW 17.10.230 ~~((and))~~, 17.10.310  
11 ~~((through [and]))~~, and 17.10.350, and place a lien on any property  
12 pursuant to RCW 17.10.280, 17.10.290, and 17.10.300 with the same  
13 authorities and responsibilities imposed by these sections on county  
14 noxious weed control boards;

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

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

28 ~~((3))~~ (4) If the director determines the need to reallocate  
29 funds previously designated for county use, the director shall  
30 convene a meeting of the state noxious weed control board to seek its  
31 advice concerning any reallocation.

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

34 Where any of the following occur, the state noxious weed control  
35 board ~~((may, following))~~ must hold a hearing, then may order any  
36 county noxious weed control board or weed district to include a  
37 noxious weed from the state board's list in the county's noxious weed  
38 list:

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

4 (2) Where the state noxious weed control board receives a request  
5 for inclusion from an adjacent county's noxious weed control board or  
6 weed district, which the adjacent board or district has included that  
7 weed in its county or district list, and the adjacent board or weed  
8 district ((alleges)) documents that its noxious weed control program  
9 is being hampered by the failure to include the weed on the county's  
10 noxious weed list.

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

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

16 (a) Eradicate all class A noxious weeds;

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

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

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

32 (a) Eradicate all class A noxious weeds;

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

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

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

2 (ii) Within 25 feet of all privately owned roads unless properly  
3 abandoned as defined under WAC 222-24-052 as that section existed as  
4 of January 1, 2020;

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

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

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

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

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

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

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

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

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

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

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

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

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

31 (1) (a) The activated county noxious weed control board of each  
32 county shall annually submit a budget to the county legislative  
33 authority for the operating cost of the county's weed program for the  
34 ensuing fiscal year: PROVIDED, That if the board finds the budget  
35 approved by the legislative authority is insufficient for an  
36 effective county noxious weed control program (~~it shall petition the~~  
37 ~~county legislative authority to hold a hearing as provided in RCW~~  
38 ~~17.10.890. Control of weeds is a benefit to the lands within any such~~  
39 ~~section)), the board may submit a budget amendment to the county~~

1 legislative authority after which the county legislative authority  
2 must hold a hearing as provided in chapter 36.40 RCW. Activities and  
3 programs to limit economic loss and adverse effects due to the  
4 presence and spread of noxious weeds on all terrestrial and aquatic  
5 areas in the state are declared to be of special benefit, including  
6 to lands owned or held by the state, and may be used as the basis  
7 upon which special assessments are imposed by the county legislative  
8 authority.

9 (b) Representatives from the department of transportation  
10 government relations, real estate services, and maintenance  
11 operations offices, the Washington state association of county  
12 treasurers, the Washington state association of county assessors, and  
13 the state noxious weed control board shall meet to develop a system  
14 by which parcels owned or held by the department of transportation  
15 that have been declared to receive special benefit from the county  
16 noxious weed control board must be identified and all assessments may  
17 be effectively billed for payment according to the process in chapter  
18 79.44 RCW. The state noxious weed control board shall update the  
19 appropriate legislative committees regarding progress towards  
20 implementation of a system before January 1, 2022. By January 1,  
21 2023, the state noxious weed control board shall report to the  
22 appropriate legislative committees in compliance with RCW 43.01.036  
23 regarding the system developed, what steps are being taken to  
24 implement the system, and what, if any, further legislative action is  
25 needed.

26 (c) Funding for the budget is derived from any or all of the  
27 following:

28 ((~~a~~)) (i) The county legislative authority may, in lieu of a  
29 tax, levy an assessment against the land for this purpose. Whenever  
30 there is included within the jurisdiction of any county noxious weed  
31 control board lands owned or held by the state, the county  
32 legislative authority shall determine the amount of the assessment  
33 for which the land would be liable if the land were in private  
34 ownership. Prior to the levying of an assessment the county noxious  
35 weed control board shall hold a public hearing at which it will  
36 gather information to serve as a basis for classification and then  
37 classify the lands into suitable classifications, including but not  
38 limited to dry lands, range lands, irrigated lands, nonuse lands,  
39 forestlands, or federal lands. The board shall develop and forward to  
40 the county legislative authority, as a proposed level of assessment

1 for each class, an amount as seems just. The assessment rate shall be  
2 either uniform per acre in its respective class or a flat rate per  
3 parcel rate plus a uniform rate per acre or, for rights-of-way, a  
4 rate based on centerline miles: PROVIDED, That if no benefits are  
5 found to accrue to a class of land, a zero assessment may be levied.  
6 The assessment shall not be levied on lands owned or held by the  
7 state, unless the assessment is levied on other parcels or classes of  
8 parcels. The county legislative authority, upon receipt of the  
9 proposed levels of assessment from the board, after a hearing, shall  
10 accept or modify by resolution, or refer back to the board for its  
11 reconsideration all or any portion of the proposed levels of  
12 assessment. The amount of the assessment constitutes a lien against  
13 the property. The county legislative authority may by resolution or  
14 ordinance require that notice of the lien be sent to each owner of  
15 property for which the assessment has not been paid by the date it  
16 was due and that each lien created be collected by the treasurer in  
17 the same manner as delinquent real property tax, if within thirty  
18 days from the date the owner is sent notice of the lien, including  
19 the amount thereof, the lien remains unpaid and an appeal has not  
20 been made pursuant to RCW 17.10.180. Liens treated as delinquent  
21 taxes bear interest at the rate of twelve percent per annum and the  
22 interest accrues as of the date notice of the lien is sent to the  
23 owner: PROVIDED FURTHER, That any collections for the lien shall not  
24 be considered as tax; or

25 ~~((b))~~ (ii) The county legislative authority may appropriate  
26 money from the county general fund necessary for the administration  
27 of the county noxious weed control program. In addition the county  
28 legislative authority may make emergency appropriations as it deems  
29 necessary for the implementation of this chapter.

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

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

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

8 (b) The denominator is the total acreage from which funds in (a)  
9 of this subsection are collected. For lands of less than one acre in  
10 size, the denominator calculation may be based on the following  
11 assumptions: (i) Unimproved lands are calculated as being one-half  
12 acre in size on the average, and (ii) improved lands are calculated  
13 as being one-third acre in size on the average. The county  
14 legislative authority may choose to calculate the denominator for  
15 lands of less than one acre in size using other assumptions about  
16 average parcel size based on local information.

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

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

23 (~~The following procedures shall be followed to deactivate a~~  
24 ~~county noxious weed control board~~)) A county noxious weed control  
25 board may be deactivated only if there are neither any class A  
26 noxious weeds nor any class B noxious weeds in the county. Upon  
27 receiving documentation of the absence in the county of both class A  
28 noxious weeds and class B noxious weeds, the county legislative  
29 authority may initiate the following procedures:

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

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

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

37 (c) The county legislative authority passes a motion to hold such  
38 a hearing.

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

4 (3) If, after a hearing, the county legislative authority  
5 determines that no need exists for a county noxious weed control  
6 board, due to the absence of class A or class B noxious weeds  
7 designated for control in the region, the county legislative  
8 authority shall deactivate the board.

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

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

14 (1) The directors shall annually determine the amount of money  
15 necessary to carry on the operations of the district and shall  
16 classify the property therein in proportion to the benefits to be  
17 derived from the operations of the district and in accordance with  
18 such classification shall prorate the cost so determined and shall  
19 levy assessments to be collected with the general taxes of the  
20 county. In the event that any bonded or warrant indebtedness pledging  
21 tax revenue of the district shall be outstanding on April 1, 1951,  
22 the directors may, for the sole purpose of retiring such  
23 indebtedness, continue to levy a tax upon all taxable property in the  
24 district until such bonded or warrant indebtedness shall have been  
25 retired.

26 (2) Activities and programs to limit economic loss and adverse  
27 effects due to the presence and spread of noxious weeds on all  
28 terrestrial and aquatic areas in the state are declared to be of  
29 special benefit, including to lands owned or held by the state, and  
30 may be used as the basis upon which special assessments are imposed  
31 by the county legislative authority, including upon lands owned or  
32 held by the state.

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

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

- 36 (1) Incorporated cities and towns;  
37 (2) Diking districts;  
38 (3) Drainage districts;



- 1 (4) Port districts;
- 2 (5) Irrigation districts;
- 3 (6) Water-sewer districts;
- 4 (7) Counties; (~~and~~)
- 5 (8) Weed boards and weed districts; and
- 6 (9) Any municipal corporation or public agency having power to
- 7 levy local improvement or other assessments, rates, or charges which
- 8 by statute are expressly made applicable to lands of the state.

9 **Sec. 16.** RCW 17.04.180 and 1991 c 245 s 1 are each amended to  
10 read as follows:

11 Whenever any lands belonging to the county are included within a  
12 weed district, the county legislative authority shall determine the  
13 amount of the (~~taxes~~) assessment for which the lands would be  
14 liable if they were in private ownership, and the county legislative  
15 authority shall appropriate from the current expense fund of the  
16 county sufficient money to pay such amounts. Whenever any state lands  
17 are within any weed district, the county treasurer shall certify  
18 annually and forward to the appropriate state agency for payment a  
19 statement showing the amount of the (~~tax~~) assessment to which the  
20 lands would be liable if they were in private ownership, separately  
21 describing each lot or parcel and, if delinquent, with interest and  
22 penalties consistent with RCW 84.56.020.

23 **Sec. 17.** RCW 17.15.020 and 2015 c 225 s 16 are each amended to  
24 read as follows::

25 Each of the following state agencies or institutions or county  
26 agencies shall implement integrated pest management practices when  
27 carrying out the agency's or institution's duties related to pest  
28 control:

- 29 (1) The department of agriculture;
- 30 (2) The state noxious weed control board;
- 31 (3) The department of ecology;
- 32 (4) The department of fish and wildlife;
- 33 (5) The department of transportation;
- 34 (6) The parks and recreation commission;
- 35 (7) The department of natural resources;
- 36 (8) The department of corrections;
- 37 (9) The department of enterprise services; (~~and~~)

- 1           (10) Each state institution of higher education, for the  
2 institution's own building and grounds maintenance;  
3           (11) Each county noxious weed control board; and  
4           (12) Each weed district.

Passed by the House April 12, 2021.

Passed by the Senate April 8, 2021.

Approved by the Governor May 10, 2021.

Filed in Office of Secretary of State May 10, 2021.

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