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SENATE BILL 5614

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State of Washington

52nd Legislature

1991 Regular Session

By Senators Hansen, Barr and Bailey.

Read first time February 11, 1991. Referred to Committee on  
Agriculture & Water Resources.

1 AN ACT Relating to state control of noxious weeds and mosquitos;  
2 amending RCW 17.28.010, 17.10.010, and 43.88.180; and creating a new  
3 section.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that the control  
6 of mosquitos and noxious weeds is necessary for the protection of the  
7 public health, safety, and welfare. Mosquitos carry diseases which  
8 cause sickness or death in humans. Noxious weeds destroy the habitat  
9 of many wildlife species including migratory waterfowl and water-  
10 dependent mammals. For these purposes, the legislature has adopted  
11 rigorous requirements for individual property owners regarding the  
12 control of mosquitos and noxious weeds on their land. It is necessary  
13 that these same requirements be extended to public lands managed by  
14 state agencies in order to insure that the public's health and interest  
15 in the environment is fully protected.

1       **Sec. 2.** RCW 17.28.010 and 1957 c 153 s 1 are each amended to read  
2 as follows:

3       When used in this chapter, the following terms, words or phrases  
4 shall have the following meaning:

5       (1) "District" means any mosquito control district formed pursuant  
6 to this chapter.

7       (2) "Board" or "district board" means the board of trustees  
8 governing the district.

9       (3) "County commissioners" means the governing body of the county.

10       (4) "Unit" means all unincorporated territory in a proposed  
11 district in one county, regarded as an entity, or each city in a  
12 proposed district, likewise regarded as an entity.

13       (5) "Territory" means any city or county or portion of either or  
14 both city or county having a population of not less than one hundred  
15 persons.

16       (6) "Person" means any individual, firm, partnership, corporation,  
17 company, association, or joint stock association, and the legal  
18 successor thereof.

19       (7) "Owner" includes but is not limited to state agencies with  
20 management control over federal or state public lands.

21       (8) "State agency" means the state of Washington and any agency,  
22 board, commission, department, or similar body of the executive branch  
23 of state government.

24       **Sec. 3.** RCW 17.10.010 and 1987 c 438 s 1 are each amended to read  
25 as follows:

26       Unless a different meaning is plainly required by the context, the  
27 following words and phrases as hereinafter used in this chapter shall  
28 have the following meanings:

1 (1) "Noxious weed" means any plant which when established is highly  
2 destructive, competitive, or difficult to control by cultural or  
3 chemical practices.

4 (2) "State noxious weed list" means a list of noxious weeds adopted  
5 by the state noxious weed control board which list is divided into  
6 three classes:

7 (a) Class A shall consist of those noxious weeds not native to the  
8 state that are of limited distribution or are unrecorded in the state  
9 and that pose a serious threat to the state;

10 (b) Class B shall consist of those noxious weeds not native to the  
11 state that are of limited distribution or are unrecorded in a region of  
12 the state and that pose a serious threat to that region;

13 (c) Class C shall consist of any other noxious weeds.

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

17 (4) "Owner" means the person in actual control of property, or his  
18 agent, whether such control is based on legal or equitable title or on  
19 any other interest entitling the holder to possession and, for purposes  
20 of liability, pursuant to RCW 17.10.170 or 17.10.210, means the  
21 possessor of legal or equitable title or the possessor of an easement:  
22 PROVIDED, That when the possessor of an easement has the right to  
23 control or limit the growth of vegetation within the boundaries of an  
24 easement, only the possessor of such easement shall be deemed, for the  
25 purpose of this chapter, an "owner" of the property within the  
26 boundaries of such easement. "Owner" shall also include state agencies  
27 with management control over federal or state public lands.

28 (5) As pertains to the duty of an owner, the words "control",  
29 "contain", "eradicate", and the term "prevent the spread of noxious  
30 weeds" shall mean conforming to the standards of noxious weed control

1 or prevention adopted by rule or regulation by the state noxious weed  
2 control board and an activated county noxious weed control board.

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

5 (7) "Agricultural purposes" are those which are intended to provide  
6 for the growth and harvest of food and fiber.

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

9 (9) "Weed district" means a weed district as defined in chapters  
10 17.04 and 17.06 RCW.

11 (10) "State agency" means the state of Washington and any agency,  
12 board, commission, department, or similar body of the executive branch  
13 of state government.

14 **Sec. 4.** RCW 43.88.180 and 1973 1st ex.s. c 100 s 8 are each  
15 amended to read as follows:

16 Appropriations shall not be required for refunds, as provided in  
17 RCW 43.88.170, nor in the case of payments other than for  
18 administrative expenses or capital improvements to be made from trust  
19 funds specifically created by law to discharge awards, claims,  
20 annuities and other liabilities of the state. Said trust funds shall  
21 include, but shall not be limited to, the accident fund, medical aid  
22 fund, retirement system fund, Washington state patrol retirement fund  
23 and unemployment trust fund. Appropriations may be required in the  
24 case of public service enterprises defined for the purposes of this  
25 section as proprietary functions conducted by an agency of the state.  
26 An appropriation may be required to permit payment of obligations by  
27 revolving funds, as provided in RCW 43.88.190. Appropriations shall  
28 not be required to discharge liabilities and obligations arising from  
29 the control of noxious weeds pursuant to chapter 17.10 RCW or the

1 control of mosquitos pursuant to chapter 17.28 RCW, and the state  
2 agency with primary management control of the property involved shall  
3 discharge the liabilities and obligations.