

2 **SSB 5315** - H AMD TO H AMD (H-3047.2/95) **827 ADOPTED 4/13/95**  
3 By Representative Schoesler

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5 On page 54, after line 37 of the amendment, insert the following:

6 NEW SECTION. **Sec. 75.** 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.

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

25 NEW SECTION. **Sec. 76.** The state noxious weed control board shall  
26 develop a study to determine the cost of controlling weeds on state-  
27 owned or managed lands, included along state-owned rights of way. The  
28 board may conduct the study, or may contract with either public or  
29 private agencies to conduct and complete the study. The departments of  
30 natural resources, transportation, and fish and wildlife, and the parks  
31 and recreation commission shall cooperate with the weed board or the  
32 contractor in the study.

33 As part of the study, the state noxious weed control board shall  
34 identify those weed species that are practical to control and should be  
35 controlled. The board shall also identify the impacts and estimate the

1 costs of not controlling these weeds. The board may exclude from the  
2 study those weeds that, due to high cost or impracticality, cannot be  
3 controlled on private lands. The board shall develop a prioritized  
4 list of weeds that are practical to control and that should be  
5 controlled on state-owned and managed lands.

6 NEW SECTION. **Sec. 77.** The state noxious weed control board shall  
7 study alternative funding mechanisms for Washington's noxious weed  
8 control program. The departments of natural resources, transportation,  
9 and fish and wildlife, and the parks and recreation commission shall  
10 cooperate with the weed board in the study. As part of the study, the  
11 state noxious weed control board shall identify the impacts and costs  
12 of each alternative. Funding alternatives shall address weed control  
13 needs of private citizens, local governments, county weed boards, state  
14 agencies, the state noxious weed control board, and federal agencies.

15 NEW SECTION. **Sec. 78.** A new section is added to chapter 17.10 RCW  
16 to read as follows:

17 All state agencies shall control noxious weeds on lands they own,  
18 lease, or otherwise control. Agencies shall develop plans to control  
19 noxious weeds in accordance with standards in this chapter. All state  
20 agencies' lands must comply with this chapter, regardless of noxious  
21 weed control efforts on adjacent lands. County noxious weed control  
22 boards shall assist landowners to meet and exceed the standards on  
23 state lands.

24 NEW SECTION. **Sec. 79.** (1) The standing committee on agriculture  
25 and agricultural trade and development of the senate and the standing  
26 committee on agriculture and ecology of the house of representatives  
27 shall jointly study land leasing practices of state agencies in regard  
28 to weed control and report their findings to the legislature in 1996.

29 (2) State agencies shall list noxious weed control projects in  
30 their respective jurisdictions in order of priority, along with their  
31 plans to control these infestations, and shall submit the lists and  
32 plans to the legislative committees identified in subsection (1) of  
33 this section before the beginning of the 1996 regular session of the  
34 legislature.

1       **Sec. 80.** RCW 17.10.240 and 1987 c 438 s 31 are each amended to  
2 read as follows:

3       The activated county noxious weed control board of each county  
4 shall annually submit a budget to the county legislative authority for  
5 the operating cost of the county's weed program for the ensuing fiscal  
6 year: PROVIDED, That if the board finds the budget approved by the  
7 legislative authority is insufficient for an effective county noxious  
8 weed control program it shall petition the county legislative authority  
9 to hold a hearing as provided in RCW 17.10.890. Control of weeds is a  
10 special benefit to the lands within any such section. Funding for the  
11 budget shall be derived from (~~either or both~~) any or all of the  
12 following:

13       (1) The county legislative authority may, in lieu of a tax, levy an  
14 assessment against the land for this purpose. Prior to the levying of  
15 an assessment the county noxious weed control board shall hold a public  
16 hearing at which it shall gather information to serve as a basis for  
17 classification and shall then classify the lands into suitable  
18 classifications, including but not limited to dry lands, range lands,  
19 irrigated lands, nonuse lands, forest lands, or federal lands. The  
20 board shall develop and forward to the county legislative authority, as  
21 a proposed level of assessment for each class, such an amount as shall  
22 seem just. The assessment rate shall be either uniform per acre in its  
23 respective class or a flat rate per parcel rate plus a uniform rate per  
24 acre: PROVIDED, That if no special benefits should be found to accrue  
25 to a class of land, a zero assessment may be levied. The legislative  
26 authority, upon receipt of the proposed levels of assessment from the  
27 board, after a hearing, shall accept, modify, or refer back to the  
28 board for its reconsideration all or any portion of the proposed levels  
29 of assessment. The findings by the county legislative authority of  
30 such special benefits, when so declared by resolution and spread upon  
31 the minutes of said authority shall be conclusive as to whether or not  
32 the same constitutes a special benefit to the lands within the section.  
33 The amount of such assessment shall constitute a lien against the  
34 property. The county legislative authority may by resolution or  
35 ordinance require that notice of the lien be sent to each owner of  
36 property for which the assessment has not been paid by the date it was  
37 due and that each such lien created shall be collected by the treasurer  
38 in the same manner as delinquent real property tax, if within thirty  
39 days from the date the owner is sent notice of the lien, including the

1 amount thereof, the lien remains unpaid and an appeal has not been made  
2 pursuant to RCW 17.10.180. Liens treated as delinquent taxes shall  
3 bear interest at the rate of twelve percent per annum and such interest  
4 shall accrue as of the date notice of the lien is sent to the owner:  
5 PROVIDED FURTHER, That any collections for such lien shall not be  
6 considered as tax; or

7 (2) The county legislative authority may appropriate money from the  
8 county general fund necessary for the administration of the county  
9 noxious weed control program. In addition the county legislative  
10 authority may make emergency appropriations as it deems necessary for  
11 the implementation of this chapter.

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

22 (4) The calculation of the "weighted average per acre noxious weed  
23 assessment" shall be a ratio expressed as follows: (a) The numerator  
24 shall be the total amount of funds estimated to be collected from the  
25 per acre assessment on all lands except (i) forest lands as identified  
26 in subsection (3) of this section, (ii) lands exempt from the noxious  
27 weed assessment, and (iii) lands located in an incorporated area. (b)  
28 The denominator shall be the total acreage from which funds in (a) of  
29 this subsection are collected. For lands of less than one acre in  
30 size, the denominator calculation may be based on the following  
31 assumptions: (i) Unimproved lands shall be calculated as being one-  
32 half acre in size on the average, and (ii) improved lands shall be  
33 calculated as being one-third acre in size on the average. The county  
34 legislative authority may choose to calculate the denominator for lands  
35 of less than one acre in size using other assumptions about average  
36 parcel size based on local information.

37 (5) For those counties that levy a per parcel assessment to help  
38 fund noxious weed control programs, the per parcel assessment on forest

1 lands as defined in subsection (3) of this section shall not exceed  
2 one-tenth of the per parcel assessment on nonforest lands.

3 NEW SECTION. **Sec. 81.** The sum of thirty thousand dollars, or as  
4 much thereof as may be necessary, is appropriated from the general fund  
5 for the biennium ending June 30, 1997, to Washington State University  
6 for the use of the cooperative extension service in the selection,  
7 testing, and production of biological control agents for knapweed  
8 species on the state noxious weed list adopted under RCW 17.10.080,  
9 with the intent of improving field availability of these agents.

10 NEW SECTION. **Sec. 82.** The sum of twenty thousand dollars, or as  
11 much thereof as may be necessary, is appropriated from the general fund  
12 for the biennium ending June 30, 1997, to the state noxious weed  
13 control board to study, or contract for a study, on the cost of  
14 controlling weeds on state-owned or managed lands."

15 Renumber the remaining sections consecutively and correct internal  
16 references accordingly.

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20 On page 55, line 10 of the amendment, after "72" strike "and 73"  
21 and insert ", 73, and 75 through 82"

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25 On page 55, line 18 of the title amendment, after "insert" strike  
26 the remainder of the title amendment and insert "amending RCW  
27 15.36.012, 15.36.071, 15.36.171, 15.36.221, 15.36.411, 15.36.441,  
28 69.07.100, 69.07.085, 69.25.020, 69.25.050, 69.25.150, 69.25.170,  
29 69.25.250, 69.25.310, 69.25.320, 15.53.901, 15.53.9012, 15.53.9014,  
30 15.53.9016, 15.53.9018, 15.53.902, 15.53.9022, 15.53.9024, 15.53.9038,  
31 15.53.9042, 15.53.9053, 16.58.130, 16.57.220, 16.57.230, 16.57.240,  
32 16.57.280, 16.57.290, 16.65.030, 15.44.033, 43.88.240, 15.58.070,

1 16.24.130, 16.24.150, 15.76.140, and 17.10.240; amending 1994 c 46 s 29  
2 (uncodified); reenacting and amending RCW 69.07.040 and 16.57.220;  
3 reenacting RCW 15.36.431; adding a new section to chapter 69.04 RCW;  
4 adding a new section to chapter 15.53 RCW; adding new sections to  
5 chapter 16.65 RCW; adding new sections to chapter 43.23 RCW; adding a  
6 new section to chapter 15.58 RCW; adding a new section to chapter 17.10  
7 RCW; adding a new chapter to Title 69 RCW; creating new sections;  
8 decodifying RCW 15.53.905 and 15.53.9052; repealing RCW 69.08.010,  
9 69.08.020, 69.08.030, 69.08.040, 69.08.045, 69.08.050, 69.08.060,  
10 69.08.070, 69.08.080, 69.08.090, 69.25.330, 69.25.340, 15.53.9036, and  
11 15.58.410; repealing 1994 c 46 s 24; repealing 1994 c 46 s 21;  
12 prescribing penalties; making appropriations; providing effective  
13 dates; providing an expiration date; and declaring an emergency."

14 EFFECT: (1) The State Noxious Weed Control Board is instructed to  
15 develop a study to determine the cost of controlling weeds on state-  
16 owned or managed lands and \$20,000 is appropriated from the general  
17 fund to the board for the study. The board must: Identify those weed  
18 species that are practical to control and the impacts and estimate the  
19 costs of not controlling these weeds; and develop a prioritized list of  
20 such weeds. (2) The board is also instructed to study alternative  
21 funding mechanisms for Washington's noxious weed control program. (3)  
22 All state agencies are instructed to: Control noxious weeds on lands  
23 they own, lease, or otherwise control; and develop plans to control  
24 noxious weeds in accordance with the state's noxious weed control laws.  
25 (4) The Senate Committee on Agriculture and Agricultural Trade and  
26 Development and the House Committee on Agriculture and Ecology must  
27 jointly study land leasing practices of state agencies in regard to  
28 weed control and report their findings to the Legislature in 1996.  
29 State agencies must list noxious weed control projects in order of  
30 priority, along with their plans to control these infestations, and  
31 submit them to committees of these committees before the 1996 regular  
32 session of the Legislature. (5) The sum of \$30,000 is appropriated  
33 from the general fund to Washington State University for use by the  
34 cooperative extension service in selecting, testing, and producing  
35 biological control agents for knapweed to improve field availability.  
36 (6) The amendment contains an emergency clause and takes effect July 1,  
37 1995.

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