
SENATE BILL 5769

State of Washington 64th Legislature 2015 Regular Session

By Senators Schoesler, Angel, Becker, Brown, Hatfield, Braun, Ericksen, Roach, Rivers, Conway, Hewitt, Parlette, and Benton

Read first time 02/02/15. Referred to Committee on Natural Resources & Parks.

1 AN ACT Relating to the management of noxious weeds on state
2 lands; and amending RCW 17.10.170 and 79.44.060.

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

4 **Sec. 1.** RCW 17.10.170 and 1997 c 353 s 21 are each amended to
5 read as follows:

6 (1) Whenever the county noxious weed control board finds that
7 noxious weeds are present on any parcel of land, and that the owner
8 is not taking prompt and sufficient action to control the noxious
9 weeds, pursuant to the provisions of RCW 17.10.140, it shall notify
10 the owner that a violation of this chapter exists. The notice shall
11 be in writing and sent by certified mail, and shall identify the
12 noxious weeds found to be present, order prompt control action, and
13 specify the time, of at least ten days from issuance of the notice,
14 within which the prescribed action must be taken. Upon deposit of the
15 certified letter of notice, the noxious weed control authority shall
16 make an affidavit of mailing that is prima facie evidence that proper
17 notice was given. If seed or other propagule dispersion is imminent,
18 immediate control action may be taken forty-eight hours following the
19 time that notification is reasonably expected to have been received
20 by the owner or agent by certified mail or personal service, instead
21 of ten days. If a landowner received a notice of violation from the

1 county noxious weed control board in a prior growing season, removal
2 or destruction of all above ground plant parts may be required at the
3 most effective point in the growing season, as determined by the
4 county weed board, which may be before or after propagule dispersion.

5 (2) The county noxious weed control board or its authorized
6 agents may issue a notice of civil infraction as provided for in RCW
7 17.10.230, 17.10.310, and 17.10.350 to owners who do not take action
8 to control noxious weeds in accordance with the notice.

9 (3) If the owner does not take action to control the noxious
10 weeds in accordance with the notice, the county board may control
11 them, or cause their being controlled, at the expense of the owner.
12 The amount of the expense constitutes a lien against the property and
13 may be enforced by proceedings on the lien (~~(except as provided for~~
14 ~~by RCW 79.44.060)~~), including on lands owned by the state. The owner
15 is liable for payment of the expense, and nothing in this chapter
16 shall be construed to prevent collection of any judgment on account
17 thereof by any means available pursuant to law, in substitution for
18 enforcement of the lien. Necessary costs and expenses including
19 reasonable attorneys' fees incurred by the county noxious weed
20 control board in carrying out this section may be recovered at the
21 same time as a part of the action filed under this section. Funds
22 received in payment for the expense of controlling noxious weeds
23 shall be transferred to the county noxious weed control board to be
24 expended as required to carry out the purposes of this chapter.

25 (4) The county auditor shall record in his or her office any lien
26 created under this chapter, and any lien shall bear interest at the
27 rate of twelve percent per annum from the date on which the county
28 noxious weed control board approves the amount expended in
29 controlling the weeds.

30 (5) As an alternative to the enforcement of any lien created
31 under subsection (3) of this section, the county legislative
32 authority may by resolution or ordinance require that each lien
33 created be collected by the treasurer in the same manner as a
34 delinquent real property tax, if within thirty days from the date the
35 owner is sent notice of the lien, including the amount thereof, the
36 lien remains unpaid and an appeal has not been made pursuant to RCW
37 17.10.180. Liens treated as delinquent taxes bear interest at the
38 rate of twelve percent per annum and the interest accrues as of the
39 date notice of the lien is sent to the owner: PROVIDED, That any
40 collections for the lien shall not be considered as tax.

1 **Sec. 2.** RCW 79.44.060 and 2003 c 334 s 508 are each amended to
2 read as follows:

3 When the chief administrative officer of an agency of state
4 government is satisfied that an assessing district has complied with
5 all the conditions precedent to the levy of assessments for district
6 purposes, pursuant to this chapter against lands occupied, used, or
7 under the jurisdiction of the officer's agency, he or she shall pay
8 them, together with any interest thereon from any funds specifically
9 appropriated to the agency therefor or from any funds of the agency
10 which under existing law have been or are required to be expended to
11 pay assessments on a current basis. In all other cases, the chief
12 administrative officer shall certify to the director of financial
13 management that the assessment is one properly chargeable to the
14 state. The director of financial management shall pay such
15 assessments from funds available or appropriated for this purpose.

16 Except as provided in RCW 79.44.190 and 17.10.170, no lands of
17 the state shall be subject to a lien for unpaid assessments, nor
18 shall the interest of the state in any land be sold for unpaid
19 assessments where assessment liens attached to the lands prior to
20 state ownership.

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