

SHB 1355 - S COMM AMD
By Committee on Ways & Means

ADOPTED AND ENGROSSED 04/08/2021

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 17.10.010 and 1997 c 353 s 2 are each amended to
4 read as follows:

5 The definitions in this section apply throughout this chapter
6 unless the context clearly requires otherwise:

7 (1) "Noxious weed" means a plant that when established is highly
8 destructive, competitive, or difficult to control by cultural or
9 chemical practices.

10 (2) "State noxious weed list" means a list of noxious weeds
11 adopted by the state noxious weed control board. The list is divided
12 into three classes:

13 (a) Class A consists of those noxious weeds not native to the
14 state that are of limited distribution or are unrecorded in the state
15 and that pose a serious threat to the state;

16 (b) Class B consists of those noxious weeds not native to the
17 state that are of limited distribution or are unrecorded in a region
18 of the state and that pose a serious threat to that region;

19 (c) Class C consists of any other nonnative to Washington state
20 noxious weeds.

21 (3) "Person" means any individual, partnership, corporation,
22 firm, the state or any department, agency, or subdivision thereof, or
23 any other entity.

24 (4) "Owner" means the person in actual control of property
25 including, but not limited to, deeded parcels, public rights-of-way,
26 and undefined lots, or his or her agent, whether the control is based
27 on legal or equitable title or on any other interest entitling the
28 holder to possession and, for purposes of liability, pursuant to RCW
29 17.10.170 or 17.10.210, means the possessor of legal or equitable
30 title or the possessor of an easement: PROVIDED, That when the
31 possessor of an easement has the right to control or limit the growth
32 of vegetation within the boundaries of an easement, only the

1 possessor of the easement is deemed, for the purpose of this chapter,
2 an "owner" of the property within the boundaries of the easement.

3 (5) As pertains to the duty of an owner, the words "control",
4 "contain", "eradicate", and the term "prevent the spread of noxious
5 weeds" means conforming to the standards of noxious weed control or
6 prevention in this chapter or as adopted by rule in chapter 16-750
7 WAC by the state noxious weed control board and an activated county
8 noxious weed control board.

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

11 (7) "Agricultural purposes" are those that are intended to
12 provide for the growth and harvest of food and fiber.

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

15 (9) "Weed district" means a weed district as defined in chapters
16 17.04 and 17.06 RCW.

17 (10) "Aquatic noxious weed" means an aquatic plant species that
18 is listed on the state weed list under RCW 17.10.080.

19 (11) "Screenings" means a mixture of mill or elevator run mixture
20 or a combination of varying amounts of materials obtained in the
21 process of cleaning either grain or seeds, or both, such as light or
22 broken grain or seed, weed seeds, hulls, chaff, joints, straw,
23 elevator dust, floor sweepings, sand, and dirt.

24 (12) "Assessment" means a special assessment levied by a county
25 legislative authority pursuant to RCW 17.10.240.

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

29 (14) "Parcel" means real property having a parcel number or
30 deeded real property, undefined lot, a lot having a legal
31 description, or right-of-way owned or held by the state, county, or
32 city.

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

35 There is created a state noxious weed control board comprised of
36 nine voting members and (~~three~~) four nonvoting members. Four of the
37 voting members shall be elected by the members of the various
38 activated county noxious weed control boards, and shall be residents
39 of a county in which a county noxious weed control board has been

1 activated and a member of said board, and those qualifications shall
2 continue through their term of office. Two of these members shall be
3 elected from the west side of the state, the crest of the Cascades
4 being the dividing line, and two from the east side of the state. The
5 director of agriculture is a voting member of the board. One voting
6 member shall be elected by the directors of the various active weed
7 districts formed under chapter 17.04 or 17.06 RCW. The Washington
8 state association of counties appoints one voting member who shall be
9 a member of a county legislative authority. A statewide association
10 representing county noxious weed coordinators appoints a nonvoting
11 technical advisor. The director shall appoint two voting members to
12 represent the public interest, one from the west side and one from
13 the east side of the state. The director shall also appoint three
14 nonvoting members representing scientific disciplines relating to
15 weed control. The term of office for all members of the board is
16 ((three)) four years from the date of election or appointment.

17 The board, by rule, shall establish a position number for each
18 elected position of the board and shall designate which county
19 noxious weed control board members are eligible to vote for each
20 elected position. The elected members serve staggered terms.
21 Elections for the elected members of the board shall be held thirty
22 days prior to the expiration date of their respective terms.
23 Nominations and elections shall be by mail and conducted by the
24 board.

25 The board shall conduct its first meeting within thirty days
26 after all its members have been elected. The board shall elect from
27 its members a chair and other officers as may be necessary. A
28 majority of the voting members of the board constitutes a quorum for
29 the transaction of business and is necessary for any action taken by
30 the board. The members of the board serve without salary, but shall
31 be reimbursed for travel expenses incurred in the performance of
32 their duties under this chapter in accordance with RCW 43.03.050 and
33 43.03.060.

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

36 (1) Each activated county noxious weed control board consists of
37 five voting members appointed by the county legislative authority in
38 the manner prescribed in this section. In appointing the voting
39 members, the county legislative authority shall divide the county

1 into five geographical areas that best represent the county's
2 interests, and appoint a voting member from each geographical area.
3 At least (~~four~~) three of the voting members shall be engaged in the
4 primary production of agricultural products. There is one nonvoting
5 member on the board who is the (~~chair~~) director of the county
6 extension office or an extension agent appointed by the (~~chair~~)
7 director of the county extension office. Each voting member of the
8 board serves a term of four years, except that the county legislative
9 authority shall, when a board is first activated under this chapter,
10 designate two voting members to serve terms of two years. The board
11 members shall not receive a salary but shall be compensated for
12 actual and necessary expenses incurred in the performance of their
13 official duties.

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

18 (b) Notice of expiration of a term of office shall be published
19 at least twice in a weekly or daily newspaper of general circulation
20 in the (~~section [geographical area]~~) geographical area with last
21 publication occurring at least ten days prior to the nomination. All
22 persons interested in appointment to the board and residing in the
23 geographical area with a pending nomination shall make a written
24 application that includes the signatures of at least ten registered
25 voters residing in the geographical area supporting the nomination to
26 the county noxious weed control board. After nominations close, the
27 county noxious weed control board shall, after a hearing, send the
28 applications to the county legislative authority recommending the
29 names of the most qualified candidates, and post the names of those
30 nominees in the county courthouse or county website and publish in at
31 least one newspaper of general circulation in the county. The county
32 legislative authority, within (~~ten~~) 60 days of receiving the list
33 of nominees, shall appoint one of those nominees to the county
34 noxious weed control board to represent that geographical area during
35 that term of office. If the county legislative authority fails to
36 appoint a nominee within the 60-day period and a quorum of the board
37 is not seated, the county noxious weed control board shall appoint a
38 nominee only to meet a quorum, who shall serve in that capacity until
39 the county legislative authority appoints a nominee to fill the

1 vacant position in the manner prescribed in this section. Not more
2 than three board members may be appointed in this manner.

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

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

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

16 (1) Each activated county noxious weed control board (~~shall~~)
17 must employ or otherwise provide a weed coordinator whose duties are
18 fixed by the board but which shall include inspecting land to
19 determine the presence of noxious weeds, offering technical
20 assistance and education, and developing a program to achieve
21 compliance with the weed law. The weed coordinator may be employed
22 full time, part time, or seasonally by the county noxious weed
23 control board. County weed board employment practices shall comply
24 with county personnel policies. Within sixty days from initial
25 employment, the weed coordinator (~~shall obtain a pest control~~
26 ~~consultant license, a pesticide operator license)) must obtain
27 licensure consistent with Washington state department of agriculture
28 pesticide license rules, and the necessary endorsements on the
29 licenses as required by law. Each board may purchase, rent, or lease
30 equipment, facilities, or products and may hire additional persons as
31 it deems necessary for the administration of the county's noxious
32 weed control program.~~

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

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

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

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

6 (a) Employ a state noxious weed control board executive secretary
7 and educational specialist, and additional persons as it deems
8 necessary, to disseminate information relating to noxious weeds to
9 county noxious weed control boards and weed districts, to coordinate
10 the educational and weed control efforts of the various county and
11 regional noxious weed control boards and weed districts, and to
12 assist the board in carrying out its responsibilities;

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

16 (2) The state noxious weed control board (~~shall~~) must provide a
17 written report before January 1st of each odd-numbered year to the
18 county noxious weed control boards and the weed districts showing the
19 expenditure of state funds on noxious weed control; specifically how
20 the funds were spent; the status of the state, county, and district
21 programs; and recommendations for the continued best use of state
22 funds for noxious weed control. The report (~~shall~~) must include
23 recommendations as to the long-term needs regarding weed control.

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

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

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

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

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

38 (d) Do such things as may be necessary and incidental to the
39 administration of its functions pursuant to this chapter including

1 but not limited to surveying for and detecting noxious weed
2 infestations(~~(f~~
3 ~~(e))~~).

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

7 (a) Upon receipt of a complaint signed by a majority of the
8 members of an adjacent county noxious weed control board or weed
9 district, or by one hundred registered voters that are land owners
10 within the county, require the county legislative authority or
11 noxious weed control board of the county or weed district that is the
12 subject of the complaint to respond to the complaint within forty-
13 five days with a plan for the control of the noxious weeds cited in
14 the complaint;

15 ~~((f))~~ (b) If the complaint in ~~((e))~~ (a) of this subsection
16 involves a class A or class B noxious weed, order the county
17 legislative authority, noxious weed control board, or weed district
18 to take immediate action to eradicate or control the noxious weed
19 infestation. If the county or the weed district does not take action
20 to control the noxious weed infestation in accordance with the order,
21 the director may control it or cause it to be controlled. The county
22 or weed district is liable for payment of the expense of the control
23 work including necessary costs and expenses for attorneys' fees
24 incurred by the director in securing payment from the county or weed
25 district. The director may bring a civil action in a court of
26 competent jurisdiction to collect the expenses of the control work,
27 costs, and attorneys' fees;

28 ~~((g))~~ (c) In counties without an activated noxious weed control
29 board, enter upon any property as provided for in RCW 17.10.160,
30 issue or cause to be issued notices and citations and take the
31 necessary action to control noxious weeds as provided in RCW
32 17.10.170, hold hearings on any charge or cost of control action
33 taken as provided for in RCW 17.10.180, issue a notice of civil
34 infraction as provided for in RCW 17.10.230 ~~((and))~~, 17.10.310
35 ~~((through [and]))~~, and 17.10.350, and place a lien on any property
36 pursuant to RCW 17.10.280, 17.10.290, and 17.10.300 with the same
37 authorities and responsibilities imposed by these sections on county
38 noxious weed control boards;

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

4 (~~(2)~~) (3) The moneys appropriated for noxious weed control to
5 the department shall be used for administration of the state noxious
6 weed control board, the administration of the director's powers under
7 this chapter, the purchase of materials for controlling, containing,
8 or eradicating noxious weeds, the purchase or collection of
9 biological control agents for controlling noxious weeds, and the
10 contracting for services to carry out the purposes of this chapter.
11 In a county with an activated noxious weed control board, the
12 director shall make every effort to contract with that board for the
13 needed services.

14 (~~(3)~~) (4) If the director determines the need to reallocate
15 funds previously designated for county use, the director shall
16 convene a meeting of the state noxious weed control board to seek its
17 advice concerning any reallocation.

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

20 Where any of the following occur, the state noxious weed control
21 board (~~(may, following)~~) must hold a hearing, then may order any
22 county noxious weed control board or weed district to include a
23 noxious weed from the state board's list in the county's noxious weed
24 list:

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

28 (2) Where the state noxious weed control board receives a request
29 for inclusion from an adjacent county's noxious weed control board or
30 weed district, which the adjacent board or district has included that
31 weed in its county or district list, and the adjacent board or weed
32 district (~~(alleges)~~) documents that its noxious weed control program
33 is being hampered by the failure to include the weed on the county's
34 noxious weed list.

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

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

4 (a) Eradicate all class A noxious weeds;

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

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

11 (2) (~~Forestlands~~) Every owner of forestlands classified under
12 RCW 17.10.240(2), or meeting the definition of forestlands contained
13 in RCW 17.10.240, (~~are subject to the requirements of subsection~~
14 ~~(1)(a) and (b) of this section at all times. Forestlands are subject~~
15 ~~to the requirements of subsection (1)(c) of this section only within~~
16 ~~a one thousand foot buffer strip of adjacent land uses. In addition,~~
17 ~~forestlands are subject to subsection (1)(c) of this section for~~)
18 must perform or cause to be performed those acts as may be necessary
19 to:

20 (a) Eradicate all class A noxious weeds;

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

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

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

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

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

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

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

1 (1) All state agencies shall control noxious weeds on lands they
2 own, lease, or otherwise control through integrated pest management
3 practices. Agencies shall develop plans in cooperation with county
4 noxious weed control boards to control noxious weeds in accordance
5 with standards in this chapter. Agencies shall appoint a liaison
6 whose duties include serving as a common point of contact for all
7 weed boards and developing and implementing noxious weed control
8 plans.

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

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

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

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

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

27 (1) The director of agriculture shall adopt, with the advice of
28 the state noxious weed control board, rules designating noxious weed
29 seeds which shall be controlled in products, screenings, or articles
30 to prevent the spread of noxious weeds. The rules shall identify the
31 products, screenings, and articles in which the seeds must be
32 controlled and the maximum amount of the seed to be permitted in the
33 product, screenings, or article to avoid a hazard of spreading the
34 noxious weed by seed from the product, screenings, or article. The
35 director shall also adopt, with the advice of the state board, rules
36 designating toxic weeds which shall be controlled in feed stuffs and
37 screenings to prevent injury to the animal that consumes the feed.
38 The rules shall identify the feed stuffs and screenings in which the

1 toxic weeds must be controlled and the maximum amount of the toxic
2 weed to be permitted in the feed. Rules developed under this section
3 shall identify ways that products, screenings, articles, or feed
4 stuffs containing noxious weed seeds or toxic weeds can be made
5 available for beneficial uses.

6 (2) Any person who knowingly or negligently sells or otherwise
7 distributes a product, article, screenings, or feed stuff designated
8 by rule containing noxious weed seeds or toxic weeds designated for
9 control by rule and in an amount greater than the amount established
10 by the director for the seed or weed by rule is guilty of a
11 misdemeanor.

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

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

19 (1) (a) The activated county noxious weed control board of each
20 county shall annually submit a budget to the county legislative
21 authority for the operating cost of the county's weed program for the
22 ensuing fiscal year: PROVIDED, That if the board finds the budget
23 approved by the legislative authority is insufficient for an
24 effective county noxious weed control program (~~it shall petition the~~
25 ~~county legislative authority to hold a hearing as provided in RCW~~
26 ~~17.10.890. Control of weeds is a benefit to the lands within any such~~
27 ~~section)), the board may submit a budget amendment to the county~~

28 legislative authority after which the county legislative authority
29 must hold a hearing as provided in chapter 36.40 RCW. Activities and
30 programs to limit economic loss and adverse effects due to the
31 presence and spread of noxious weeds on all terrestrial and aquatic
32 areas in the state are declared to be of special benefit, including
33 to lands owned or held by the state, and may be used as the basis
34 upon which special assessments are imposed by the county legislative
35 authority.

36 (b) Representatives from the department of transportation
37 government relations, real estate services, and maintenance
38 operations offices, the Washington state association of county
39 treasurers, the Washington state association of county assessors, and

1 the state noxious weed control board shall meet to develop a system
2 by which parcels owned or held by the department of transportation
3 that have been declared to receive special benefit from the county
4 noxious weed control board must be identified and all assessments may
5 be effectively billed for payment according to the process in chapter
6 79.44 RCW. The state noxious weed control board shall update the
7 appropriate legislative committees regarding progress towards
8 implementation of a system before January 1, 2022. By January 1,
9 2023, the state noxious weed control board shall report to the
10 appropriate legislative committees in compliance with RCW 43.01.036
11 regarding the system developed, what steps are being taken to
12 implement the system, and what, if any, further legislative action is
13 needed.

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

16 ~~((a))~~ (i) The county legislative authority may, in lieu of a
17 tax, levy an assessment against the land for this purpose. Whenever
18 there is included within the jurisdiction of any county noxious weed
19 control board lands owned or held by the state, the county
20 legislative authority shall determine the amount of the assessment
21 for which the land would be liable if the land were in private
22 ownership. Prior to the levying of an assessment the county noxious
23 weed control board shall hold a public hearing at which it will
24 gather information to serve as a basis for classification and then
25 classify the lands into suitable classifications, including but not
26 limited to dry lands, range lands, irrigated lands, nonuse lands,
27 forestlands, or federal lands. The board shall develop and forward to
28 the county legislative authority, as a proposed level of assessment
29 for each class, an amount as seems just. The assessment rate shall be
30 either uniform per acre in its respective class or a flat rate per
31 parcel rate plus a uniform rate per acre or, for rights-of-way, a
32 rate based on centerline miles: PROVIDED, That if no benefits are
33 found to accrue to a class of land, a zero assessment may be levied.
34 The assessment shall not be levied on lands owned or held by the
35 state, unless the assessment is levied on other parcels or classes of
36 parcels. The county legislative authority, upon receipt of the
37 proposed levels of assessment from the board, after a hearing, shall
38 accept or modify by resolution, or refer back to the board for its
39 reconsideration all or any portion of the proposed levels of
40 assessment. The amount of the assessment constitutes a lien against

1 the property. The county legislative authority may by resolution or
2 ordinance require that notice of the lien be sent to each owner of
3 property for which the assessment has not been paid by the date it
4 was due and that each lien created be collected by the treasurer in
5 the same manner as delinquent real property tax, if within thirty
6 days from the date the owner is sent notice of the lien, including
7 the amount thereof, the lien remains unpaid and an appeal has not
8 been made pursuant to RCW 17.10.180. Liens treated as delinquent
9 taxes bear interest at the rate of twelve percent per annum and the
10 interest accrues as of the date notice of the lien is sent to the
11 owner: PROVIDED FURTHER, That any collections for the lien shall not
12 be considered as tax; or

13 ~~((b))~~ (ii) The county legislative authority may appropriate
14 money from the county general fund necessary for the administration
15 of the county noxious weed control program. In addition the county
16 legislative authority may make emergency appropriations as it deems
17 necessary for the implementation of this chapter.

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

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

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

35 (b) The denominator is the total acreage from which funds in (a)
36 of this subsection are collected. For lands of less than one acre in
37 size, the denominator calculation may be based on the following
38 assumptions: (i) Unimproved lands are calculated as being one-half
39 acre in size on the average, and (ii) improved lands are calculated
40 as being one-third acre in size on the average. The county

1 legislative authority may choose to calculate the denominator for
2 lands of less than one acre in size using other assumptions about
3 average parcel size based on local information.

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

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

10 (~~The following procedures shall be followed to deactivate a~~
11 ~~county noxious weed control board~~) A county noxious weed control
12 board may be deactivated only if there are neither any class A
13 noxious weeds nor any class B noxious weeds in the county. Upon
14 receiving documentation of the absence in the county of both class A
15 noxious weeds and class B noxious weeds, the county legislative
16 authority may initiate the following procedures:

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

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

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

24 (c) The county legislative authority passes a motion to hold such
25 a hearing.

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

29 (3) If, after a hearing, the county legislative authority
30 determines that no need exists for a county noxious weed control
31 board, due to the absence of class A or class B noxious weeds
32 designated for control in the region, the county legislative
33 authority shall deactivate the board.

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

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

1 (1) The directors shall annually determine the amount of money
2 necessary to carry on the operations of the district and shall
3 classify the property therein in proportion to the benefits to be
4 derived from the operations of the district and in accordance with
5 such classification shall prorate the cost so determined and shall
6 levy assessments to be collected with the general taxes of the
7 county. In the event that any bonded or warrant indebtedness pledging
8 tax revenue of the district shall be outstanding on April 1, 1951,
9 the directors may, for the sole purpose of retiring such
10 indebtedness, continue to levy a tax upon all taxable property in the
11 district until such bonded or warrant indebtedness shall have been
12 retired.

13 (2) Activities and programs to limit economic loss and adverse
14 effects due to the presence and spread of noxious weeds on all
15 terrestrial and aquatic areas in the state are declared to be of
16 special benefit, including to lands owned or held by the state, and
17 may be used as the basis upon which special assessments are imposed
18 by the county legislative authority, including upon lands owned or
19 held by the state.

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

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

- 23 (1) Incorporated cities and towns;
24 (2) Diking districts;
25 (3) Drainage districts;
26 (4) Port districts;
27 (5) Irrigation districts;
28 (6) Water-sewer districts;
29 (7) Counties; (~~and~~)
30 (8) Weed boards and weed districts; and

31 (9) Any municipal corporation or public agency having power to
32 levy local improvement or other assessments, rates, or charges which
33 by statute are expressly made applicable to lands of the state.

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

36 Whenever any lands belonging to the county are included within a
37 weed district, the county legislative authority shall determine the
38 amount of the (~~taxes~~) assessment for which the lands would be

1 liable if they were in private ownership, and the county legislative
2 authority shall appropriate from the current expense fund of the
3 county sufficient money to pay such amounts. Whenever any state lands
4 are within any weed district, the county treasurer shall certify
5 annually and forward to the appropriate state agency for payment a
6 statement showing the amount of the (~~tax~~) assessment to which the
7 lands would be liable if they were in private ownership, separately
8 describing each lot or parcel and, if delinquent, with interest and
9 penalties consistent with RCW 84.56.020.

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

12 Each of the following state agencies or institutions or county
13 agencies shall implement integrated pest management practices when
14 carrying out the agency's or institution's duties related to pest
15 control:

- 16 (1) The department of agriculture;
- 17 (2) The state noxious weed control board;
- 18 (3) The department of ecology;
- 19 (4) The department of fish and wildlife;
- 20 (5) The department of transportation;
- 21 (6) The parks and recreation commission;
- 22 (7) The department of natural resources;
- 23 (8) The department of corrections;
- 24 (9) The department of enterprise services; (~~and~~)
- 25 (10) Each state institution of higher education, for the
26 institution's own building and grounds maintenance;
- 27 (11) Each county noxious weed control board; and
- 28 (12) Each weed district."

SHB 1355 - S COMM AMD
By Committee on Ways & Means

ADOPTED 04/08/2021

29 On page 1, line 1 of the title, after "weeds;" strike the
30 remainder of the title and insert "and amending RCW 17.10.010,
31 17.10.030, 17.10.050, 17.10.060, 17.10.070, 17.10.074, 17.10.100,

1 17.10.140, 17.10.145, 17.10.205, 17.10.235, 17.10.240, 17.10.890,
2 17.04.240, 79.44.003, 17.04.180, and 17.15.020."

--- **END** ---