

FINAL BILL REPORT

SHB 1355

C 217 L 21
Synopsis as Enacted

Brief Description: Concerning noxious weeds.

Sponsors: House Committee on Rural Development, Agriculture & Natural Resources
(originally sponsored by Representatives Dent, Chandler, Boehnke, Lovick, Dye,
Fitzgibbon, Klippert, Jacobsen and Schmick).

House Committee on Rural Development, Agriculture & Natural Resources
House Committee on Appropriations
Senate Committee on Agriculture, Water, Natural Resources & Parks
Senate Committee on Ways & Means

Background:

Noxious Weeds.

Class A noxious weeds are noxious weeds either not native to Washington and of limited distribution, or unrecorded in Washington and that could cause a serious threat if established. Class B noxious weeds are non-native plants of limited distribution in a region of the state that could cause a serious threat in that region. Class C weeds are all other noxious weeds. Noxious weeds are identified and listed by the State Noxious Weed Control Board (State Weed Board).

State Noxious Weed Control Board.

The State Weed Board is composed of nine voting members and three nonvoting members. Four of the voting members must be elected by the members of county noxious weed control boards (County Weed Board), two members must be from the west side of the state and two from the east side of the state. One member must be elected by the directors of weed districts. The Director of the Washington State Department of Agriculture (WSDA) and a member of a county legislative authority also serve on the State Weed Board. The WSDA also appoints two members of the public and three nonvoting members representing

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scientific disciplines related to weed control. State Weed Board members serve for three-year terms.

County Noxious Weed Control Boards.

Each county may activate a County Weed Board within its jurisdiction. A County Weed Board consists of five voting members appointed by the county legislative authority, representing the geographic area of the county, with at least four members engaged in primary production of agricultural products. The chair of the county extension office is a nonvoting member. Each county in Washington has chosen to activate a County Weed Board. Each County Weed Board must employ a weed coordinator.

Weed Control Districts.

Each county has the authority to activate a Weed Control District. A Weed Control District may be activated to serve an entire county or may be activated to serve only a portion of a county. Weed Control Districts were created by legislation enacted several decades prior to the enactment of the legislation that created County Weed Boards. Weed Control Districts in existence at the time of the enactment of the County Weed Board legislation were authorized to continue as Weed Control Districts or to dissolve and be replaced by a County Weed Board. There are approximately 12 Weed Control Districts in operation, primarily in south-central Washington.

Noxious Weed Control.

Once a weed is included on a county's weed list, certain responsibilities apply to landowners within that county. Landowners are responsible for eradicating all Class A weeds as well as controlling the spread of Class B and Class C weeds. Forestland owners must also eradicate all Class A weeds, control and prevent the spreading of Class B weeds, and control Class C weeds within a 1,000 foot buffer strip of adjacent land and for a five-year period following harvest. The enforcement of violations of these duties is the responsibility of the County Weed Boards.

Summary:

State Noxious Weed Control Board.

A statewide association representing county noxious weed coordinators may appoint a nonvoting technical advisory member to the State Noxious Weed Control Board (State Weed Board). The number of nonvoting technical advisory members on the State Weed Board is changed from three to four. The term of office for members of the State Weed Board is changed from three years to four years. The State Weed Board may employ an educational specialist in addition to an executive secretary.

With advice of the State Weed Board, the Washington State Department of Agriculture (WSDA) must take, rather than may take, certain actions, including:

- requiring a county or county noxious weed control board (County Weed Board) to respond to complaints within 45 days with a plan for controlling the noxious weeds under the complaint;
- ordering the county or County Weed Board to take immediate action to eradicate or control the noxious weed infestation;
- entering property, issuing notices and citations, and taking necessary action to control noxious weeds, as well as holding hearings, issuing civil infractions, and placing a lien on property in counties without a County Weed Board; and
- adopting a list of noxious weed seeds and toxic weeds that must be controlled.

The State Weed Board must hold, rather than may hold, hearings under certain circumstances, including:

- where the State Weed Board receives a petition from at least 100 registered voters within the county requesting that the weed be listed; and
- where the State Weed Board receives a request from a County Weed Board or Weed Control District to add a noxious weed to the list of a neighboring county, and documents that its noxious weed control program is being hampered by the failure to include the weed on the neighboring county's noxious weed list.

County Noxious Weed Control Boards.

A county legislative authority must consult with the respective County Weed Board in appointing the five voting members. At least three, instead of at least four, voting members must be engaged in the primary production of agricultural products. The director, rather than chair, of the county extension office is a nonvoting member. The names of nominees must be posted in the county courthouse or on the county website. The county legislative authority must make an appointment within 60 days of receiving the list of nominees. If the county legislative authority fails to appoint a nominee within that time, the County Weed Board must appoint a nominee only in order to meet a quorum, and only until the county legislative authority appoints a nominee to fill the vacant position. No more than three members of a County Weed Board may be appointed by the County Weed Board.

A weed coordinator employed by a County Weed Board must obtain licensure consistent with the WSDA's pesticide license rules. County Weed Boards or Weed Districts may request that the WSDA inspect products, screenings, articles, or feed to determine the presence of noxious weeds. A County Weed Board may be deactivated only if there are no Class A or Class B noxious weeds in the county.

Whenever there is included within the jurisdiction of any County Weed Board lands owned or held by the state, the county legislative authority must determine the amount of the weed control assessment for which the land would be liable if the land were in private ownership. "Assessment" means a special assessment levied by a county legislative authority pursuant

to RCW 17.10.240. The assessment may not be levied on lands owned or held by the state unless the assessment is levied on other parcels or classes of parcels.

Representatives from the Department of Transportation (WSDOT), the Washington State Association of County Treasurers, the Washington State Association of County Assessors, and the State Weed Board must meet to develop a system by which parcels owned or held by WSDOT that have been declared to receive special benefit from a County Weed Board must be identified and all assessments may be effectively billed for payment. The State Weed Board must update the appropriate legislative committees regarding progress towards implementation of a system before January 1, 2022. By January 1, 2023, the State Weed Board must report to the appropriate legislative committees regarding the system developed, what steps are being taken to implement the system, and what, if any, further legislative action is needed.

The weed board assessment rate for land classified as a right-of-way must be based on centerline miles. "Centerline miles" means the length of any given road right-of-way corridor in miles, along the center line of the overall roadway alignment.

Weed Control Districts and County Noxious Weed Control Boards—Special Assessments.

Activities and programs to limit economic loss and adverse effects due to the presence and spread of noxious weeds on all terrestrial and aquatic areas in the state are declared to be of special benefit and may be used as the basis upon which special assessments are imposed by the county legislative authority in order to fund Weed Control Districts and County Weed Boards, including upon lands owned by the state.

Noxious Weed Control.

Every forestland owner that owns forestlands used solely for growing and harvesting trees must control and prevent the spread of all Class B and Class C noxious weeds on the county list within 1,000 feet of adjacent land uses, within 25 feet of all privately owned roads, and within 200 feet of navigable rivers, gravel pits, log yards, and staging areas. The definition of Class C weeds is amended to provide that Class C weeds consist of any other noxious weeds that are not native to Washington.

State agencies must appoint a liaison whose duties include serving as a common point of contact for all weed boards and developing and implementing noxious weed control plans.

Assessing Districts.

County Weed Boards and Weed Control Districts are added to the class of assessing districts that may levy assessments and charges on state lands.

Integrated Pest Management Practices.

County Weed Boards and Weed Control Districts are added to the list of agencies and institutions required to implement integrated pest management practices.

Votes on Final Passage:

House	97	0	
Senate	47	0	(Senate amended)
House	98	0	(House concurred)

Effective: July 25, 2021