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**SENATE BILL 6401**

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**State of Washington**

**66th Legislature**

**2020 Regular Session**

**By** Senator Warnick

Read first time 01/16/20. Referred to Committee on Agriculture, Water, Natural Resources & Parks.

1 AN ACT Relating to noxious weeds; and amending RCW 17.10.010,  
2 17.10.030, 17.10.050, 17.10.060, 17.10.070, 17.10.074, 17.10.100,  
3 17.10.140, 17.10.145, 17.10.205, 17.10.235, 17.10.240, and 17.10.890.

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

5 **Sec. 1.** RCW 17.10.010 and 1997 c 353 s 2 are each amended to  
6 read as follows:

7 The definitions in this section apply throughout this chapter  
8 unless the context clearly requires otherwise:

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

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

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

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

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

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

6 (4) "Owner" means the person in actual control of property  
7 including, but not limited to, deeded parcels, rights-of-way, and  
8 undefined lots, or his or her agent, whether the control is based on  
9 legal or equitable title or on any other interest entitling the  
10 holder to possession and, for purposes of liability, pursuant to RCW  
11 17.10.170 or 17.10.210, means the possessor of legal or equitable  
12 title or the possessor of an easement: PROVIDED, That when the  
13 possessor of an easement has the right to control or limit the growth  
14 of vegetation within the boundaries of an easement, only the  
15 possessor of the easement is deemed, for the purpose of this chapter,  
16 an "owner" of the property within the boundaries of the easement.

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

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

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

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

29 (9) "Weed district" means a weed district as defined in chapters  
30 17.04 and 17.06 RCW.

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

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

38 (12) "Parcel" means real property having a parcel number or  
39 deeded real property, right-of-way, undefined lot, or a lot having a  
40 legal description.

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

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

24       The board, by rule, shall establish a position number for each  
25 elected position of the board and shall designate which county  
26 noxious weed control board members are eligible to vote for each  
27 elected position. The elected members serve staggered terms.  
28 Elections for the elected members of the board shall be held thirty  
29 days prior to the expiration date of their respective terms.  
30 Nominations and elections shall be by mail and conducted by the  
31 board.

32       The board shall conduct its first meeting within thirty days  
33 after all its members have been elected. The board shall elect from  
34 its members a chair and other officers as may be necessary. A  
35 majority of the voting members of the board constitutes a quorum for  
36 the transaction of business and is necessary for any action taken by  
37 the board. The members of the board serve without salary, but shall  
38 be reimbursed for travel expenses incurred in the performance of  
39 their duties under this chapter in accordance with RCW 43.03.050 and  
40 43.03.060.

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

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

20       (2) The voting members of the board serve until their  
21 replacements are appointed. New members of the board shall be  
22 appointed at least thirty days prior to the expiration of any board  
23 member's term of office.

24       Notice of expiration of a term of office shall be published at  
25 least twice in a weekly or daily newspaper of general circulation in  
26 the (~~section [geographical area]~~) geographical area with last  
27 publication occurring at least ten days prior to the nomination. All  
28 persons interested in appointment to the board and residing in the  
29 geographical area with a pending nomination shall make a written  
30 application that includes the signatures of at least ten registered  
31 voters residing in the geographical area supporting the nomination to  
32 the county noxious weed control board. After nominations close, the  
33 county noxious weed control board shall, after a hearing, send the  
34 applications to the county legislative authority recommending the  
35 names of the most qualified candidates, and post the names of those  
36 nominees in the county courthouse or county web site and publish in  
37 at least one newspaper of general circulation in the county. The  
38 county legislative authority, within (~~ten~~) thirty days of receiving  
39 the list of nominees, shall appoint one of those nominees to the  
40 county noxious weed control board to represent that geographical area

1 during that term of office. If the county legislative authority fails  
2 to appoint a nominee within the thirty-day period, the nominee must  
3 be appointed by the county noxious weed control board.

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

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

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

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

34 (2) Each activated county noxious weed control board has the  
35 power to adopt rules and regulations, subject to notice and hearing  
36 as provided in chapter(~~s~~) 42.30 (~~and 42.32~~) RCW, as are necessary  
37 for an effective county weed control or eradication 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 who are exempt employees, and additional  
8 persons as it deems necessary, to disseminate information relating to  
9 noxious weeds to county noxious weed control boards and weed  
10 districts, to coordinate the educational and weed control efforts of  
11 the various county and regional noxious weed control boards and weed  
12 districts, and to assist the board in carrying out its  
13 responsibilities;

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

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

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

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

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

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

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

1 (d) Do such things as may be necessary and incidental to the  
2 administration of its functions pursuant to this chapter including  
3 but not limited to surveying for and detecting noxious weed  
4 infestations(~~(+~~  
5 ~~e))~~).

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

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

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

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

19 (a) Eradicate all class A noxious weeds;

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

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

27 (i) Within one thousand feet of adjacent land uses;

28 (ii) Within two hundred feet of all roads unless properly  
29 abandoned as defined under WAC 222-24-052 as that section existed as  
30 of January 1, 2020, along navigable rivers, gravel pits, log yards,  
31 and staging areas; or

32 (iii) On all the property for a single five-year period following  
33 the harvesting of trees for lumber.

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

36 (1) All state agencies shall control noxious weeds on lands they  
37 own, lease, or otherwise control through integrated pest management  
38 practices. Agencies (~~shall~~) must appoint a liaison to develop plans

1 in cooperation with county noxious weed control boards to control  
2 noxious weeds in accordance with standards in this chapter.

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

5 (3) In counties with a noxious weed assessment under RCW  
6 17.10.240, whenever state-managed land, state-owned land, or a state  
7 right-of-way are within any county weed board jurisdiction, the  
8 county treasurer must certify annually and forward to the appropriate  
9 state agency for payment a statement showing the amount of the  
10 assessment to which the land would be liable if they were in private  
11 ownership, separately describing each lot or parcel and, if  
12 delinquent, with interest and penalties consistent with RCW  
13 84.56.020.

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

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

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

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

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

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

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

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

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

22 (1) The activated county noxious weed control board of each  
23 county shall annually submit a budget to the county legislative  
24 authority for the operating cost of the county's weed program for the  
25 ensuing fiscal year: PROVIDED, That if the board finds the budget  
26 approved by the legislative authority is insufficient for an  
27 effective county noxious weed control program it shall petition the  
28 county legislative authority to hold a hearing (~~as provided in RCW~~  
29 ~~17.10.890~~) within thirty days prior to the adoption of the county  
30 budget. Control of weeds is a benefit to the lands within any such  
31 section. Funding for the budget is derived from any or all of the  
32 following:

33 (a) The county legislative authority may, in lieu of a tax, levy  
34 an assessment against the land for this purpose. Prior to the levying  
35 of an assessment the county noxious weed control board shall hold a  
36 public hearing at which it will gather information to serve as a  
37 basis for classification and then classify the lands into suitable  
38 classifications, including but not limited to dry lands, range lands,  
39 irrigated lands, nonuse lands, forestlands, or federal lands. The

1 board shall develop and forward to the county legislative authority,  
2 as a proposed level of assessment for each class, an amount as seems  
3 just. The assessment rate shall be either uniform per acre in its  
4 respective class or a flat rate per parcel rate plus a uniform rate  
5 per acre (~~PROVIDED, That if no benefits are found to accrue to a~~  
6 ~~class of land, a zero assessment may be levied~~). The county  
7 legislative authority, upon receipt of the proposed levels of  
8 assessment from the board, after a hearing, shall accept or modify by  
9 resolution, or refer back to the board for its reconsideration all or  
10 any portion of the proposed levels of assessment. The amount of the  
11 assessment constitutes a lien against the property. The county  
12 legislative authority may by resolution or ordinance require that  
13 notice of the lien be sent to each owner of property for which the  
14 assessment has not been paid by the date it was due and that each  
15 lien created be collected by the treasurer in the same manner as  
16 delinquent real property tax, if within thirty days from the date the  
17 owner is sent notice of the lien, including the amount thereof, the  
18 lien remains unpaid and an appeal has not been made pursuant to RCW  
19 17.10.180. Liens treated as delinquent taxes bear interest at the  
20 rate of twelve percent per annum and the interest accrues as of the  
21 date notice of the lien is sent to the owner: PROVIDED FURTHER, That  
22 any collections for the lien shall not be considered as tax; or

23 (b) The county legislative authority may appropriate money from  
24 the county general fund necessary for the administration of the  
25 county noxious weed control program. In addition the county  
26 legislative authority may make emergency appropriations as it deems  
27 necessary for the implementation of this chapter.

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

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

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

6 (b) The denominator is the total acreage from which funds in (a)  
7 of this subsection are collected. For lands of less than one acre in  
8 size, the denominator calculation may be based on the following  
9 assumptions: (i) Unimproved lands are calculated as being one-half  
10 acre in size on the average, and (ii) improved lands are calculated  
11 as being one-third acre in size on the average. The county  
12 legislative authority may choose to calculate the denominator for  
13 lands of less than one acre in size using other assumptions about  
14 average parcel size based on local information.

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

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

21 ~~((The following procedures shall be followed to deactivate a~~  
22 ~~county noxious weed control board)) A county noxious weed control  
23 board may only be deactivated if there are no class A or class B  
24 noxious weeds in the county. Upon receiving documentation of the  
25 absence of class A and class B noxious weeds, the county legislative  
26 authority may initiate the following procedures:~~

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

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

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

34 (c) The county legislative authority passes a motion to hold such  
35 a hearing.

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

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

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

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