

authorities is that unused federal funds can be reallocated among the various state air authorities rather than reverting to the federal agency, thus being lost to the state. Veto  
Message

5.  earmarked Surplus General Fund Revenue  
On page 38, beginning on line 12, I have vetoed the entire section 71 which ends on line 19. This section provides that surplus general fund revenue for the 1973-75 biennium in excess of \$2,200,276,000, but not to exceed \$20 million, shall be held in a separate fund by the State Treasurer for distribution as special levy property tax relief. The formula for distribution of these funds is to be provided by the 1975 Legislature.

This is premature action on the part of the Legislature for several reasons. At the present time, the amounts which might be appropriated on the return of the Legislature in April, 1974 are not known, nor is it possible to estimate accurately the funding necessary for state programs unfunded by the Legislature during the past session to alleviate the fiscal problems resulting from growing inflation. It will not be possible to determine the amount of surplus revenue until August or September of 1975, or after the start of the 1975-77 biennium. At such time as the 1975 Legislature meets and considers the 1975-77 biennial budget, a complete fiscal picture for the new biennium will be available upon which a more complete spectrum of tax relief measures, expenditures and priorities can be established.

With the exception of the items described above, the remainder of the bill is approved."

-----  
CHAPTER 143

[House Bill No. 1373]

NOXIOUS WEED CONTROL

AN ACT Relating to noxious weeds; amending section 5, chapter 113, Laws of 1969 ex. sess. and RCW 17.10.050; amending section 15, chapter 113, Laws of 1969 ex. sess. and RCW 17.10.150; amending section 17, chapter 113, Laws of 1969 ex. sess. and RCW 17.10.170; amending section 24, chapter 113, Laws of 1969 ex. sess. and RCW 17.10.240; and adding a new section to chapter 17.10 RCW.

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

Section 1. Section 5, chapter 113, Laws of 1969 ex. sess. and RCW 17.10.050 are each amended to read as follows:

(1) Each activated county noxious weed control board shall consist of five voting members who shall, at the board's inception, be appointed by the board of county commissioners and elected thereafter by the property owners subject to the board. In appointing such voting members, the board of county commissioners shall divide the county into five sections, none of which shall overlap and each of which shall be of the same approximate area, and shall appoint a voting member from each section. At least four of

such voting members shall be engaged in the primary production of agricultural products. There shall be one nonvoting member on such board who shall be the chief county extension agent or a county extension agent appointed by the chief county extension agent. Each voting member of the board shall serve a term of two years, except that the board of county commissioners shall, when a board is first activated under this chapter, designate two voting members to serve terms of one year. The board members shall not receive a salary but shall be compensated for actual and necessary expenses incurred in the performance of their official duties.

(2) The elected members of the board shall represent the same districts designated by the county commissioners in appointing members to the board at its inception. Members of the board shall be elected at least thirty days prior to the expiration of any board member's term of office.

The nomination and election of elected board members shall be conducted by the board at a public meeting held in the section where board memberships are about to expire. Elections at such meetings shall be by secret ballot, cast by the landowners residing in the section where an election for a board member is being conducted. The nominee receiving the majority of votes cast shall be deemed elected, and if there is only one nomination, said nominee shall be deemed elected unanimately.

Notice of such nomination and election meeting shall be mailed to all affected landowners thirty days prior to such meeting. Notice shall be published at least twice in a weekly or daily newspaper of general circulation in said section: PROVIDED, That mailed notice shall not be required if assessments provided for in section 4 of this 1974 amendatory act are not invoked.

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

(4) In case of a vacancy occurring in any elected position on a county noxious weed control board, the county commissioners of the county in which such board is located shall appoint a qualified person to fill the vacancy for the unexpired term.

Sec. 2. Section 15, chapter 113, Laws of 1969 ex. sess. and RCW 17.10.150 are each amended to read as follows:

(1) The board of county commissioners in each county may classify lands for the purposes of this chapter. In regard to any land which is classified by the county noxious weed control board as

not being used for agricultural purposes, the owner thereof shall have the following limited duty to control noxious weeds present on such land:

(a) The owner shall control and prevent the spread of noxious weeds on any portion of such land which is within ((two hundred feet of)) the buffer strip around land used for agricultural purposes. For lands east of the crest of the Cascade mountain range, the buffer strip shall be land which is within two hundred feet of land used for agricultural purposes. For lands west of the crest of the Cascade mountain range, the buffer strip shall be land which is within one thousand feet of land used for agricultural purposes.

(b) In any case of a serious infestation of a particular noxious weed, which infestation exists within the ((two hundred foot strip)) buffer strip of land described in paragraph (a) of subsection (1) of this section, and which extends beyond said ((two hundred foot strip)) buffer strip of land, the county noxious weed control board may require that the owner of such ((two hundred foot strip)) buffer strip of land take such measures, both within said ((two hundred foot strip)) buffer zone of land as well as on other land owned by said owner contiguous to said ((two hundred foot strip)) buffer strip of land on which such serious infestation has spread, as are necessary to control and prevent the spread of such particular noxious weed.

For purposes of this subsection, land shall not be classified as or considered as being used for agricultural purposes when the sole reason for classifying or considering it as such is that it is being used for the growing, planting or harvesting of trees for timber.

(2) In regard to any land which is classified by the county noxious weed control board as scab or range land, the board may limit the duty of the owner thereof to control noxious weeds present on such land. The board may share the cost of controlling such weeds, may provide for a buffer strip around the perimeter of such land or may take any other reasonable measures to control noxious weeds on such land at an equitable cost to the owner. The board shall classify as range or scab land all that land within the county which the board finds to be of a relatively low value per acre, and on which the cost of controlling all of the noxious weeds present would be disproportionately high when compared to the value per acre of such land.

Sec. 3. Section 17, chapter 113, Laws of 1969 ex. sess. and RCW 17.10.170 are each amended to read as follows:

(1) Whenever the county noxious weed control board finds that noxious weeds are present on any parcel of land, and that the owner thereof is not taking prompt and sufficient action to control the

same, pursuant to the provisions of RCW 17.10.140, it shall notify such owner that a violation of this chapter exists. Such notice shall be in writing, identify the noxious weeds found to be present, order prompt control action, and specify the time within which the prescribed action must be taken.

(2) If the owner does not take action to control the noxious weeds in accordance with the notice, the county board shall control them, or cause their being controlled, at the expense of the owner. The amount of such expense shall constitute a lien against the property and may be enforced by proceedings on such lien. The owner shall be liable for payment of the expense, and nothing in this chapter shall be construed to prevent collection of any judgment on account thereof by any means available pursuant to law, in substitution for enforcement of the lien.

(3) The county auditor shall record in his office any lien created under this section, and any such lien shall bear interest at the rate of eight percent per annum from the date on which the county noxious weed control board approves the amount expended in controlling such weeds.

(4) As an alternative to the enforcement of any lien created under subsection (2) of this section, the board of county commissioners may by resolution or ordinance require that each such lien created shall be collected by the treasurer in the same manner as a delinquent real property tax, if within thirty days from the date the owner is sent notice of the lien, including the amount thereof, the lien remains unpaid and an appeal has not been made pursuant to RCW 17.10.180. Liens treated as delinquent taxes shall bear interest at the same rate as delinquent real property taxes and such interest shall accrue as of the date notice of the lien is sent to the owner: PROVIDED, That any collections for such lien shall not be considered as tax.

Sec. 4. Section 24, chapter 113, Laws of 1969 ex. sess. and RCW 17.10.240 are each amended to read as follows:

(1) The activated county weed control boards of each county shall annually submit a budget to the board of county commissioners for the operating cost of the county's weed program for the ensuing fiscal year. Control of weeds are a special benefit to the lands within any such district. The board of county commissioners may in lieu of a tax, levy an assessment against the land for this purpose. The county weed control board shall classify the lands into suitable classifications, and assess for each class such an amount as shall seem just, but which shall be uniform per acre in its respective class. The findings by the board of such special benefits, when so declared by resolution and spread upon the minutes of the board shall

be conclusive that the same is of special benefit to the lands within the district.

(2) In addition, the board of county commissioners may appropriate money from the county general fund necessary for the administration of the county noxious weed control program. In addition the board of county commissioners may make emergency appropriations as it deems necessary for the implementation of this chapter.

NEW SECTION. Sec. 5. There is added to chapter 17.10 RCW a new section to read as follows:

Each noxious weed control board may purchase liability insurance with such limits as they may deem reasonable for the purpose of protecting their officials and employees against liability for personal or bodily injuries and property damage arising from their acts or omissions while performing or in good faith purporting to perform their official duties.

Passed the House January 28, 1974.  
Passed the Senate February 5, 1974.  
Approved by the Governor February 13, 1974, with the exception of Section 4 which is vetoed.  
Filed in Office of Secretary of State February 26, 1974.  
Note: Governor's explanation of partial veto is as follows:  
"I am returning herewith without my approval as to one section House Bill No. 1373 entitled:

"AN ACT Relating to noxious weeds." Veto Message

Section 4 of the bill, by obvious legislative oversight, merely restates RCW 17.10.240 as it presently reads, and contains no amendatory changes. If approved, needless time and expense would be incurred by the Code Reviser to insert the section as re-enacted into the Revised Code of Washington. For this reason, I have determined to veto section 4.

The remainder of House Bill No. 1373 is approved."

-----  
CHAPTER 144  
[House Bill No. 1423]  
MOTOR VEHICLE FUEL EXCISE TAXES—  
ALL-TERRAIN VEHICLES

AN ACT Relating to motor vehicle fuel excise taxes; amending section 20, chapter 47, Laws of 1971 ex. sess. as amended by section 13, chapter 153, Laws of 1972 ex. sess. and RCW 46.09.150; amending section 21, chapter 47, Laws of 1971 ex. sess. as amended by section 14, chapter 153, Laws of 1972 ex. sess. and RCW 46.09.160; and amending section 22, chapter 47, Laws of 1971 ex. sess. as amended by section 15, chapter 153, Laws of 1972 ex. sess. and RCW 46.09.170.

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