

CERTIFICATION OF ENROLLMENT

SENATE BILL 5898

Chapter 261, Laws of 1995

(partial veto)

54th Legislature
1995 Regular Session

OPEN BURNING OF SEED GRASSES

EFFECTIVE DATE: 7/23/95

Passed by the Senate April 19, 1995
YEAS 47 NAYS 0

JOEL PRITCHARD

President of the Senate

Passed by the House April 12, 1995
YEAS 93 NAYS 3

CLYDE BALLARD

**Speaker of the
House of Representatives**

Approved May 5, 1995, with the
exception of section 3, which is
vetoed.

MIKE LOWRY

Governor of the State of Washington

CERTIFICATE

I, Marty Brown, Secretary of the
Senate of the State of Washington,
do hereby certify that the attached
is **SENATE BILL 5898** as passed by the
Senate and the House of
Representatives on the dates hereon
set forth.

MARTY BROWN

Secretary

FILED

May 5, 1995 - 10:31 a.m.

**Secretary of State
State of Washington**

SENATE BILL 5898

AS AMENDED BY THE HOUSE

Passed Legislature - 1995 Regular Session

State of Washington **54th Legislature** **1995 Regular Session**

By Senators Rasmussen, West, Loveland, Newhouse, Bauer and Morton

Read first time 02/13/95. Referred to Committee on Ecology & Parks.

1 AN ACT Relating to open burning of grasses grown for seed; amending
2 RCW 70.94.656 and 70.94.120; and declaring an emergency.

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

4 **Sec. 1.** RCW 70.94.656 and 1991 sp.s. c 13 s 28 are each amended to
5 read as follows:

6 It is hereby declared to be the policy of this state that strong
7 efforts should be made to minimize adverse effects on air quality from
8 the open burning of field and turf grasses grown for seed. To such end
9 this section is intended to promote the development of economical and
10 practical alternate agricultural practices to such burning, and to
11 provide for interim regulation of such burning until practical
12 alternates are found.

13 (1) The department shall approve of a study or studies for the
14 exploration and identification of economical and practical alternate
15 agricultural practices to the open burning of field and turf grasses
16 grown for seed. Any study conducted pursuant to this section shall be
17 conducted by Washington State University. The university may not
18 charge more than eight percent for administrative overhead. Prior to
19 the issuance of any permit for such burning under RCW 70.94.650, there

1 shall be collected a fee not to exceed one dollar per acre of crop to
2 be burned. Any such fees received by any authority shall be
3 transferred to the department of ecology. The department of ecology
4 shall deposit all such acreage fees in a special grass seed burning
5 research account, hereby created, in the state treasury.

6 (2) The department shall allocate moneys annually from this account
7 for the support of any approved study or studies as provided for in
8 ~~((this)) subsection (1) of this section. ((For the conduct of any such~~
9 ~~study or studies, the department may contract with public or private~~
10 ~~entities: PROVIDED, That))~~ Whenever the department of ecology shall
11 conclude that sufficient reasonably available alternates to open
12 burning have been developed, and at such time as all costs of any
13 studies have been paid, the grass seed burning research account shall
14 be dissolved, and any money remaining therein shall revert to the
15 general fund. The fee collected under ~~((this))~~ subsection (1) of this
16 section shall constitute the research portion of fees required under
17 RCW 70.94.650 for open burning of grass grown for seed.

18 ~~((+2))~~ (3) Whenever on the basis of information available to it,
19 the department after public hearings have been conducted wherein
20 testimony will be received and considered from interested parties
21 wishing to testify shall conclude that any procedure, program,
22 technique, or device constitutes a practical alternate agricultural
23 practice to the open burning of field or turf grasses grown for seed,
24 the department shall, by order, certify approval of such alternate.
25 Thereafter, in any case which any such approved alternate is reasonably
26 available, the open burning of field and turf grasses grown for seed
27 shall be disallowed and no permit shall issue therefor.

28 ~~((+3))~~ (4) Until approved alternates become available, the
29 department or the authority may limit the number of acres on a pro rata
30 basis among those affected for which permits to burn will be issued in
31 order to effectively control emissions from this source.

32 ~~((+4))~~ (5) Permits issued for burning of field and turf grasses
33 may be conditioned to minimize emissions insofar as practical,
34 including denial of permission to burn during periods of adverse
35 meteorological conditions.

36 (6) By November 1, 1996, and every two years thereafter until grass
37 seed burning is prohibited, Washington State University shall submit to
38 the appropriate standing committees of the legislature a brief report

1 assessing the potential of the university's research to result in
2 economical and practical alternatives to grass seed burning.

3 **Sec. 2.** RCW 70.94.120 and 1969 ex.s. c 168 s 14 are each amended
4 to read as follows:

5 (1) The city selection committee of each county which is included
6 within an authority shall meet within one month after the activation of
7 such authority for the purpose of making its initial appointments to
8 the board of such authority and thereafter whenever necessary for the
9 purpose of making succeeding appointments. All meetings shall be held
10 upon at least two weeks written notice given by the county auditor to
11 each member of the city selection committee of each county and he shall
12 give such notice upon request of any member of such committee. A
13 similar notice shall be given to the general public by a publication of
14 such notice in a newspaper of general circulation in such authority.
15 The county auditor shall act as recording officer, maintain its records
16 and give appropriate notice of its proceedings and actions.

17 (2) As an alternative to meeting in accordance with subsection (1)
18 of this section, the county auditor may mail ballots by certified mail
19 to the members of the city selection committee, specifying a date by
20 which to complete the ballot, and a date by which to return the
21 completed ballot. Each mayor who chooses to participate in the
22 balloting shall write in the choice for appointment, sign the ballot,
23 and return the ballot to the county auditor. Each completed ballot
24 shall be date-stamped upon receipt by the mayor or staff of the mayor
25 of the city or town. The timely return of completed ballots by a
26 majority of the members of each city selection committee constitutes a
27 quorum and the common choice by a majority of the quorum constitutes a
28 valid appointment.

29 (3) Balloting shall be preceded by at least two weeks' written
30 notice, given by the county auditor to each member of the city
31 selection committee. A similar notice shall be given to the general
32 public by publication in a newspaper of general circulation in the
33 authority.

34 ****NEW SECTION. Sec. 3. This act is necessary for the immediate***
35 ***preservation of the public peace, health, or safety, or support of the***

1 *state government and its existing public institutions, and shall take*
2 *effect immediately.*

3 *Sec. 3 was vetoed. See message at end of chapter.

Passed the Senate April 19, 1995.

Passed the House April 12, 1995.

Approved by the Governor May 5, 1995, with the exception of certain
items which were vetoed.

Filed in Office of Secretary of State May 5, 1995.

1 Note: Governor's explanation of partial veto is as follows:

2 "I am returning herewith, without my approval as to section 3,
3 Senate Bill No. 5898 entitled:

4 "AN ACT Relating to open burning of grasses grown for seed;"

5 The subject of this legislation is research for alternatives to
6 grass seed burning. However, section 3 contains an emergency clause
7 indicating this act is necessary "for the immediate preservation of the
8 public peace, health or safety or support of state government.
9 Preventing this bill from being subject to a referendum under Article
10 II, section 1(b) of the state Constitution unnecessarily denies the
11 people of this state their power, at their own option, to approve or
12 reject this bill at the polls.

13 For this reason, I am vetoing section 3 of Senate Bill No. 5898.

14 With the exception of section 3, Senate Bill No. 5898 is approved."