

CERTIFICATION OF ENROLLMENT  
**ENGROSSED SUBSTITUTE HOUSE BILL 1389**

Chapter 302, Laws of 1991  
(partial veto)

52nd Legislature  
1991 Regular Session

FRESHWATER AQUATIC WEED CONTROL

EFFECTIVE DATE: 7/1/91

Passed by the House March 19, 1991  
Yeas 87 Nays 9

JOE KING  
**Speaker of the  
House of Representatives**

Passed by the Senate April 16, 1991  
Yeas 33 Nays 14

JOEL PRITCHARD  
**President of the Senate**

Approved May 20, 1991, with  
the exception of section 5,  
which is vetoed.

BOOTH GARDNER  
**Governor of the State of Washington**

CERTIFICATE

I, Alan Thompson, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE HOUSE BILL 1389** as passed by the House of Representatives and the Senate on the dates hereon set forth.

ALAN THOMPSON  
**Chief Clerk**

FILED

May 20, 1991 - 2:11 p.m.

Secretary of State  
State of Washington



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ENGROSSED SUBSTITUTE HOUSE BILL 1389

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AS AMENDED BY THE SENATE

Passed Legislature - 1991 Regular Session

State of Washington                      52nd Legislature                      1991 Regular Session

By House Committee on Environmental Affairs (originally sponsored by Representatives Fraser, Winsley, Rust and Belcher).

Read first time February 22, 1991.

1            AN ACT Relating to aquatic plants; adding new sections to chapter  
2 43.21A RCW; adding a new section to chapter 46.16 RCW; creating new  
3 sections; providing an effective date; and declaring an emergency.

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

5            NEW SECTION.    **Sec. 1.**            The legislature hereby finds that  
6 Eurasian water milfoil and other freshwater aquatic weeds can adversely  
7 affect fish populations, reduce habitat for desirable plant and  
8 wildlife species, and decrease public recreational opportunities. The  
9 legislature further finds that the spread of freshwater aquatic weeds  
10 is a state-wide problem and requires a coordinated response among state  
11 agencies, local governments, and the public. It is therefore the  
12 intent of the legislature to establish a funding source to reduce the  
13 propagation of Eurasian water milfoil and other freshwater aquatic  
14 weeds and to manage the problems created by such freshwater aquatic  
15 plants.

1        NEW SECTION.    **Sec. 2.** A new section is added to chapter 43.21A RCW  
2 to read as follows:

3        The freshwater aquatic weeds account is hereby created in the state  
4 treasury. Expenditures from this account may only be used as provided  
5 in section 4 of this act. Moneys in the account may be spent only  
6 after appropriation.

7        NEW SECTION.    **Sec. 3.** A new section is added to chapter 46.16 RCW  
8 to read as follows:

9        In addition to any other fee required under this chapter, boat  
10 trailers shall annually pay a fee of three dollars. The proceeds of  
11 this fee shall be deposited in the freshwater aquatic weeds account  
12 under section 2 of this act.

13        NEW SECTION.    **Sec. 4.** A new section is added to chapter 43.21A RCW  
14 to read as follows:

15        Funds in the freshwater aquatic weeds account may be appropriated  
16 to the department of ecology to develop a freshwater aquatic weeds  
17 management program to:

18        (1) Issue grants to cities, counties, and state agencies to  
19 prevent, remove, reduce, or manage excessive freshwater aquatic weeds.  
20 Such grants shall only be issued for lakes, rivers, or streams with a  
21 public boat launching ramp. The department shall give preference to  
22 projects having matching funds or in-kind services;

23        (2) Develop public education programs relating to preventing the  
24 propagation and spread of freshwater aquatic weeds;

25        (3) Provide technical assistance to local governments and citizen  
26 groups; and

27        (4) Fund demonstration or pilot projects consistent with the  
28 purposes of this section.

1 \*

2 NEW SECTION. Sec. 5. *If specific funding for the purposes of*  
3 *this act, referencing this act by bill number, is not provided by June*  
4 *30, 1991, in the omnibus appropriations act, this act shall be null and*  
5 *void.*

6 \*Sec. 5 was vetoed, see message at end of chapter.

7 NEW SECTION. Sec. 6. This act is necessary for the immediate  
8 preservation of the public peace, health, or safety, or support of the  
9 state government and its existing public institutions, and shall take  
10 effect July 1, 1991, except section 3 of this act shall be effective  
11 for vehicle registrations that expire August 31, 1992, and thereafter.

Passed the House March 19, 1991.

Passed the Senate April 16, 1991.

Approved by the Governor May 20, 1991, with the exception of  
certain items which were vetoed.

Filed in Office of Secretary of State May 20, 1991.

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

2 "I am returning herewith, without my approval as to section 5,  
3 Engrossed Substitute House Bill No. 1389 entitled:

4 "AN ACT Relating to aquatic plants."

5 This bill assesses an annual \$3.00 surcharge on boat trailers in  
6 order to fund a program to address the serious environmental damage and  
7 loss of recreational opportunities caused by freshwater aquatic weeds.  
8 These problem weeds are difficult to check because these plants are  
9 usually non-native and lack any natural biological controls. Boats and  
10 trailers have been identified as a source of the spread of such problem  
11 weeds and therefore the funding mechanism contained in this bill is  
12 appropriately user-fee based.

13 While the legislature provided the funding mechanism, it neglected  
14 to provide an appropriation for the expenditure of these funds. I  
15 believe that establishing and funding of the freshwater aquatic weeds  
16 account is an important first step in addressing the damage caused by  
17 these weeds and will work with the legislature to provide the authority  
18 necessary to begin program operations. For this reason, I have vetoed  
19 section 5, the "null and void" clause, of Engrossed Substitute House  
20 Bill No. 1389.

21 With the exception of section 5, Engrossed Substitute House Bill  
22 No. 1389 is approved."