

**SUBSTITUTE SENATE BILL 5036**

**State of Washington**

**62nd Legislature**

**2011 Regular Session**

**By** Senate Natural Resources & Marine Waters (originally sponsored by Senators Regala, Swecker, and Fraser; by request of Department of Fish and Wildlife and Department of Ecology)

READ FIRST TIME 01/28/11.

1 AN ACT Relating to the derelict vessel and invasive species removal  
2 fee; and amending RCW 88.02.640 and 43.21A.667, 43.43.400, and  
3 77.12.879.

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

5 **Sec. 1.** RCW 88.02.640 and 2010 c 161 s 1028 are each amended to  
6 read as follows:

7 (1) In addition to any other fees and taxes required by law, the  
8 department, county auditor or other agent, or subagent appointed by the  
9 director shall charge the following vessel fees:

FEE	AMOUNT	AUTHORITY	DISTRIBUTION
(a) Dealer temporary permit	\$5.00	RCW 88.02.800(2)	General fund
(b) Derelict vessel and invasive species removal	Subsection (3) of this section	Subsections (3) and (4) of this section	Subsection (3) of this section
(c) Duplicate registration	\$1.25	RCW 88.02.590(1)(c)	General fund
(d) Filing	RCW 46.17.005	RCW 46.17.005	RCW 46.68.440

1	(e) License plate	RCW 46.17.015	RCW 46.17.015	RCW 46.68.400
2	technology			
3	(f) License service	RCW 46.17.025	RCW 46.17.025	RCW 46.68.220
4	(g) Nonresident vessel	\$25.00	RCW 88.02.620(3)	Subsection (6) of this
5	permit			section
6	(h) Registration	\$10.50	RCW 88.02.560(2)	General fund
7	(i) Replacement decal	\$1.25	RCW 88.02.595(1)(c)	General fund
8	(j) Title application	\$5.00	RCW 88.02.515	General fund
9	(k) Transfer	\$1.00	RCW 88.02.560(7)	General fund
10	(l) Vessel visitor permit	\$30.00	RCW 88.02.610(3)	General fund

11 (2) The five dollar dealer temporary permit fee required in  
12 subsection (1) of this section must be credited to the payment of  
13 registration fees at the time application for registration is made.

14 (3)(a) (~~Until June 30, 2012,~~) The derelict vessel and invasive  
15 species removal fee required in subsection (1) of this section is five  
16 dollars and must be distributed as follows:

17 (i) One dollar and fifty cents must be deposited in the aquatic  
18 invasive species prevention account created in RCW 77.12.879;

19 (ii) One dollar must be deposited into the (~~freshwater~~) aquatic  
20 algae control account created in RCW 43.21A.667;

21 (iii) Fifty cents must be deposited into the aquatic invasive  
22 species enforcement account created in RCW 43.43.400; and

23 (iv) Two dollars must be deposited in the derelict vessel removal  
24 account created in RCW 79.100.100.

25 (b) (~~On and after June 30, 2012, the derelict vessel and invasive~~  
26 ~~species removal fee is two dollars and must be deposited into the~~  
27 ~~derelict vessel removal account created in RCW 79.100.100.)~~) If the  
28 department of natural resources indicates that the balance of the  
29 derelict vessel removal account, not including any transfer or  
30 appropriation of funds into the account or funds deposited into the  
31 account collected under subsection (5) of this section reaches one  
32 million dollars as of March 1st of any year, the collection of the two  
33 dollars of the derelict vessel and invasive species removal fee that is  
34 deposited into the derelict vessel removal account as authorized in  
35 (a)(iv) of this subsection must be suspended for the following fiscal  
36 year.

1 (4) Until January 1, 2014, an annual derelict vessel removal  
2 surcharge of one dollar must be charged with each vessel registration.  
3 The surcharge:

4 (a) Is to address the significant backlog of derelict vessels  
5 accumulated in Washington state waters that pose a threat to the health  
6 and safety of the people and to the environment;

7 (b) Is to be used only for the removal of vessels that are less  
8 than seventy-five feet in length; and

9 (c) Must be deposited into the derelict vessel removal account  
10 created in RCW 79.100.100.

11 (5) The twenty-five dollar nonresident vessel permit fee must be  
12 paid by the vessel owner to the department for the cost of providing  
13 the identification document by the department. Any moneys remaining  
14 from the fee after the payment of costs must be allocated to counties  
15 by the state treasurer for approved boating safety programs under RCW  
16 88.02.655.

17 (6) The thirty dollar vessel visitor permit fee must be distributed  
18 as follows:

19 (a) Five dollars must be deposited in the derelict vessel removal  
20 account created in RCW 79.100.100;

21 (b) The department may keep an amount to cover costs for providing  
22 the vessel visitor permit;

23 (c) Any moneys remaining must be allocated to counties by the state  
24 treasurer for approved boating safety programs under RCW 88.02.655; and

25 (d) Any fees required for licensing agents under RCW 46.17.005 are  
26 in addition to any other fee or tax due for the titling and  
27 registration of vessels.

28 **Sec. 2.** RCW 43.21A.667 and 2009 c 564 s 933 are each amended to  
29 read as follows:

30 (1) The ((freshwater)) aquatic algae control account is created in  
31 the state treasury. Moneys directed to the account from RCW  
32 ((88.02.050)) 88.02.640 must be deposited in the account. Expenditures  
33 from the account may only be used as provided in this section. Moneys  
34 in the account may be spent only after appropriation.

35 (2) Funds in the ((freshwater)) aquatic algae control account may  
36 be appropriated to the department to develop a freshwater ((aquatic))

1 and saltwater algae control program. Funds must be expended as  
2 follows:

3 (a) As grants to cities, counties, tribes, special purpose  
4 districts, and state agencies to manage excessive freshwater and  
5 saltwater nuisance algae, with priority for the treatment of lakes in  
6 which harmful algal blooms have occurred within the past three years;  
7 and (~~during the 2009-2011 fiscal biennium~~) to provide grants for  
8 (~~sea lettuce~~) saltwater nuisance algae research, survey, monitoring,  
9 and removal (~~to assist Puget Sound communities that are impacted by~~  
10 ~~hyperblooms of sea lettuce~~); and

11 (b) To provide technical assistance to applicants and the public  
12 about aquatic algae control.

13 (3) The department shall submit a biennial report to the  
14 appropriate legislative committees describing the actions taken to  
15 implement this section along with suggestions on how to better fulfill  
16 the intent of chapter 464, Laws of 2005. The first report is due  
17 December 1, 2007.

18 (4) For the purposes of this section, "saltwater nuisance algae"  
19 means native invasive algae (sea lettuce), nonnative invasive algae,  
20 and algae producing harmful toxins.

21 **Sec. 3.** RCW 43.43.400 and 2007 c 350 s 1 are each amended to read  
22 as follows:

23 (1) The definitions in this subsection apply throughout this  
24 section unless the context clearly requires otherwise:

25 (a) "Aquatic invasive species" means any invasive, prohibited,  
26 regulated, unregulated, or unlisted aquatic animal or plant species as  
27 defined under RCW 77.08.010 (~~((49) through (54))~~) (28), (40), (44),  
28 (58), and (59), aquatic noxious weeds as defined under RCW  
29 17.26.020(5)(c), and aquatic nuisance species as defined under RCW  
30 77.60.130(1).

31 (b) "Recreational and commercial watercraft" includes the boat, as  
32 well as equipment used to transport the boat, and any auxiliary  
33 equipment such as attached or detached outboard motors.

34 (2) The aquatic invasive species enforcement account is created in  
35 the state treasury. Moneys directed to the account from RCW  
36 (~~(88.02.050)~~) 88.02.640 must be deposited in the account. Expenditures

1 from the account may only be used as provided in this section. Moneys  
2 in the account may be spent only after appropriation.

3 (3) Funds in the aquatic invasive species enforcement account may  
4 be appropriated to the Washington state patrol and the department of  
5 fish and wildlife to develop an aquatic invasive species enforcement  
6 program for recreational and commercial watercraft, which includes  
7 equipment used to transport the watercraft and auxiliary equipment such  
8 as attached or detached outboard motors. Funds must be expended as  
9 follows:

10 (a) By the Washington state patrol, to inspect recreational and  
11 commercial watercraft that are required to stop at port of entry weigh  
12 stations managed by the Washington state patrol. The watercraft must  
13 be inspected for the presence of aquatic invasive species; and

14 (b) By the department of fish and wildlife to:

15 (i) Establish random check stations, to inspect recreational and  
16 commercial watercraft as provided for in RCW 77.12.879(3);

17 (ii) Inspect or delegate inspection of recreational and commercial  
18 watercraft. If the department conducts the inspection, there will be  
19 no cost to the person requesting the inspection;

20 (iii) Provide training to all department employees that are  
21 deployed in the field to inspect recreational and commercial  
22 watercraft; and

23 (iv) Provide an inspection receipt verifying that the watercraft is  
24 not contaminated after the watercraft has been inspected at a check  
25 station or has been inspected at the request of the owner of the  
26 recreational or commercial watercraft. The inspection receipt is valid  
27 until the watercraft is used again.

28 (4) The Washington state patrol and the department of fish and  
29 wildlife shall submit a biennial report to the appropriate legislative  
30 committees describing the actions taken to implement this section along  
31 with suggestions on how to better fulfill the intent of chapter 464,  
32 Laws of 2005. The first report is due December 1, 2007.

33 **Sec. 4.** RCW 77.12.879 and 2009 c 333 s 22 are each amended to read  
34 as follows:

35 (1) The aquatic invasive species prevention account is created in  
36 the state treasury. Moneys directed to the account from RCW

1 ((~~88.02.050~~)) 88.02.640 must be deposited in the account. Expenditures  
2 from the account may only be used as provided in this section. Moneys  
3 in the account may be spent only after appropriation.

4 (2) Funds in the aquatic invasive species prevention account may be  
5 appropriated to the department to develop an aquatic invasive species  
6 prevention program for recreational and commercial watercraft. Funds  
7 must be expended as follows:

8 (a) To inspect recreational and commercial watercraft;

9 (b) To educate general law enforcement officers on how to enforce  
10 state laws relating to preventing the spread of aquatic invasive  
11 species;

12 (c) To evaluate and survey the risk posed by recreational and  
13 commercial watercraft in spreading aquatic invasive species into  
14 Washington state waters;

15 (d) To evaluate the risk posed by float planes in spreading aquatic  
16 invasive species into Washington state waters; and

17 (e) To implement an aquatic invasive species early detection and  
18 rapid response plan. The plan must address the treatment and immediate  
19 response to the introduction to Washington waters of aquatic invasive  
20 species. Agency and public review of the plan must be conducted under  
21 chapter 43.21C RCW, the state environmental policy act. If the  
22 implementation measures or actions would have a probable significant  
23 adverse environmental impact, a detailed statement under chapter 43.21C  
24 RCW must be prepared on the plan.

25 (3) Funds in the aquatic invasive species enforcement account  
26 created in RCW 43.43.400 may be appropriated to the department and  
27 Washington state patrol to develop an aquatic invasive species  
28 enforcement program for recreational and commercial watercraft. The  
29 department shall provide training to Washington state patrol employees  
30 working at port of entry weigh stations, and other local law  
31 enforcement employees, on how to inspect recreational and commercial  
32 watercraft for the presence of aquatic invasive species. A person who  
33 enters Washington by road transporting any commercial or recreational  
34 watercraft that has been used in any designated aquatic invasive  
35 species state or foreign country as defined by rule of the department  
36 must have in his or her possession valid documentation that the  
37 watercraft has been inspected and found free of aquatic invasive  
38 species. The department is authorized to require persons transporting

1 recreational and commercial watercraft to stop at check stations.  
2 Check stations must be plainly marked by signs, operated by at least  
3 one uniformed fish and wildlife officer, and operated in a safe manner.  
4 Any person stopped at a check station who possesses a recreational or  
5 commercial watercraft that has been used in any designated aquatic  
6 invasive species state or foreign country as defined by rule of the  
7 department, or that is contaminated with aquatic invasive species, must  
8 bear the expense for any necessary impoundment, transportation,  
9 cleaning, and decontamination of the watercraft. Any person stopped at  
10 a check station who possesses a recreational or commercial watercraft  
11 that has been used in any designated aquatic invasive species state or  
12 foreign country as defined by rule of the department, or that is  
13 contaminated with aquatic invasive species, is exempt from the criminal  
14 penalties found in RCW 77.15.253 and 77.15.290, and forfeiture under  
15 RCW 77.15.070, if that person complies with all department directives  
16 for the proper decontamination of the watercraft and equipment.

17 (4) The department shall submit a biennial report to the  
18 appropriate legislative committees describing the actions taken to  
19 implement this section along with suggestions on how to better fulfill  
20 the intent of chapter 464, Laws of 2005.

--- END ---