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**SUBSTITUTE SENATE BILL 5699**

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**State of Washington**

**59th Legislature**

**2005 Regular Session**

**By** Senate Committee on Natural Resources, Ocean & Recreation  
(originally sponsored by Senators Oke, Jacobsen, Spanel, Doumit,  
Kline, Rockefeller and Rasmussen)

READ FIRST TIME 03/02/05.

1 AN ACT Relating to preventing and controlling aquatic invasive  
2 species and algae; amending RCW 88.02.050; adding a new section to  
3 chapter 77.12 RCW; adding a new section to chapter 43.21A RCW; adding  
4 a new section to chapter 43.43 RCW; and creating new sections.

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

6 NEW SECTION. **Sec. 1.** The legislature finds that aquatic invasive  
7 species and freshwater aquatic algae are causing economic,  
8 environmental, and public health problems that affect the citizens and  
9 aquatic resources of our state. Many highly destructive species, such  
10 as the zebra mussel, are currently not found in Washington's waters and  
11 efforts should be made to prevent the introduction or spread of these  
12 aquatic invasive species into our state waters. Preventing new  
13 introductions is significantly less expensive and causes far less  
14 ecological damage than trying to control new infestations.

15 The legislature also finds that freshwater algae, particularly  
16 blue-green algae, are also seriously degrading the water quality and  
17 recreational value of a number of our lakes. Blue-green algae can  
18 produce toxins that inhibit recreational uses and pose a threat to  
19 humans and pets.

1 It is therefore the intent of the legislature to clarify the roles  
2 of the different state agencies involved in these issues in order to  
3 address the threat of aquatic invasive species and the problem caused  
4 by aquatic freshwater algae, and to provide a dedicated fund source to  
5 prevent and control further impacts.

6 **Sec. 2.** RCW 88.02.050 and 2002 c 286 s 13 are each amended to read  
7 as follows:

8 (1) Application for a vessel registration shall be made to the  
9 department or its authorized agent in the manner and upon forms  
10 prescribed by the department. The application shall state the name and  
11 address of each owner of the vessel and such other information as may  
12 be required by the department, shall be signed by at least one owner,  
13 and shall be accompanied by a vessel registration fee of ten dollars  
14 and fifty cents per year and the excise tax imposed under chapter 82.49  
15 RCW. (~~(In addition, two)~~)

16 (2) Five additional dollars must be collected annually from every  
17 vessel registration application. These moneys must be distributed in  
18 the following manner:

19 (a) Two dollars must be deposited into the derelict vessel removal  
20 account established in RCW 79.100.100. If the department of natural  
21 resources indicates that the balance of the derelict vessel removal  
22 account reaches one million dollars as of March 1st of any year, the  
23 collection of the two-dollar fee must be suspended for the following  
24 fiscal year.

25 (b) One dollar and fifty cents must be deposited in the aquatic  
26 invasive species prevention account created in section 3 of this act.

27 (c) One dollar must be deposited into the freshwater aquatic algae  
28 control account created in section 4 of this act.

29 (d) Fifty cents must be deposited into the aquatic invasive species  
30 enforcement account created in section 5 of this act.

31 (3) Any fees required for licensing agents under RCW 46.01.140  
32 shall be in addition to the ten dollar and fifty cent annual  
33 registration fee and the (~~two-dollar derelict vessel~~) five-dollar fee  
34 created in subsection (2) of this section.

35 (4) Upon receipt of the application and the registration fee, the  
36 department shall assign a registration number and issue a decal for  
37 each vessel. The registration number and decal shall be issued and

1 affixed to the vessel in a manner prescribed by the department  
2 consistent with the standard numbering system for vessels set forth in  
3 volume 33, part 174, of the code of federal regulations. A valid decal  
4 affixed as prescribed shall indicate compliance with the annual  
5 registration requirements of this chapter.

6 (5) The vessel registrations and decals are valid for a period of  
7 one year, except that the director of licensing may extend or diminish  
8 vessel registration periods, and the decals therefor, for the purpose  
9 of staggered renewal periods. For registration periods of more or less  
10 than one year, the department may collect prorated annual registration  
11 fees and excise taxes based upon the number of months in the  
12 registration period. Vessel registrations are renewable every year in  
13 a manner prescribed by the department upon payment of the vessel  
14 registration fee, excise tax, and the derelict vessel fee. Upon  
15 renewing a vessel registration, the department shall issue a new decal  
16 to be affixed as prescribed by the department.

17 (6) When the department issues either a notice to renew a vessel  
18 registration or a decal for a new or renewed vessel registration, it  
19 shall also provide information on the location of marine oil recycling  
20 tanks and sewage holding tank pumping stations. This information will  
21 be provided to the department by the state parks and recreation  
22 commission in a form ready for distribution. The form will be  
23 developed and prepared by the state parks and recreation commission  
24 with the cooperation of the department of ecology. The department, the  
25 state parks and recreation commission, and the department of ecology  
26 shall enter into a memorandum of agreement to implement this process.

27 (7) A person acquiring a vessel from a dealer or a vessel already  
28 validly registered under this chapter shall, within fifteen days of the  
29 acquisition or purchase of the vessel, apply to the department or its  
30 authorized agent for transfer of the vessel registration, and the  
31 application shall be accompanied by a transfer fee of one dollar.

32 NEW SECTION. **Sec. 3.** A new section is added to chapter 77.12 RCW  
33 to read as follows:

34 (1) The aquatic invasive species prevention account is created in  
35 the state treasury. Moneys directed to the account from RCW 88.02.050  
36 must be deposited in the account. Expenditures from the account may

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

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

7 (a) To inspect watercraft, watercraft trailers, and outboard motors  
8 at selected boat launching sites;

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 marine recreational  
13 watercraft in spreading aquatic invasive species into Washington state  
14 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.

19 (3) The department shall provide training to Washington state  
20 patrol employees working at port of entry weigh stations on how to  
21 inspect recreational watercraft for the presence of zebra mussels and  
22 other aquatic invasive species. The department shall also  
23 cooperatively work with the Washington state patrol to set up random  
24 check stations to inspect watercraft at areas of high boating activity.

25 (4) The department shall submit a biennial report to the  
26 appropriate legislative committees describing the actions taken to  
27 implement this section along with suggestions on how to better fulfill  
28 the intent of this act. The first report is due December 1, 2007.

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

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

36 (2) Funds in the freshwater aquatic algae control account may be

1 appropriated to the department to develop a freshwater aquatic algae  
2 control program. Funds must be expended as follows:

3 (a) As grants to cities, counties, tribes, special purpose  
4 districts, and state agencies to manage excessive freshwater algae; and

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

7 (3) The department shall submit a biennial report to the  
8 appropriate legislative committees describing the actions taken to  
9 implement this section along with suggestions on how to better fulfill  
10 the intent of this act. The first report is due December 1, 2007.

11 NEW SECTION. **Sec. 5.** A new section is added to chapter 43.43 RCW  
12 to read as follows:

13 (1) The aquatic invasive species enforcement account is created in  
14 the state treasury. Moneys directed to the account from RCW 88.02.050  
15 must be deposited in the account. Expenditures from the account may  
16 only be used as provided in this section. Moneys in the account may be  
17 spent only after appropriation.

18 (2) Funds in the aquatic invasive species enforcement account may  
19 be appropriated to the Washington state patrol to develop an aquatic  
20 invasive species enforcement program for recreational watercraft.  
21 Funds must be expended as follows:

22 (a) To inspect recreational watercraft that are required to stop at  
23 port of entry weigh stations managed by the Washington state patrol.  
24 The watercraft must be inspected for the presence of zebra mussels and  
25 other aquatic invasive species; and

26 (b) To establish random check stations, in conjunction with the  
27 department of fish and wildlife, to inspect watercraft in areas of high  
28 boating activity.

29 (3) The Washington state patrol shall submit a biennial report to  
30 the appropriate legislative committees describing the actions taken to  
31 implement this section along with suggestions on how to better fulfill  
32 the intent of this act. The first report is due December 1, 2007.

33 NEW SECTION. **Sec. 6.** Section 2 of this act applies to vessel  
34 registration fees that are due or become due on or after August 1,

1 2005.

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