
SUBSTITUTE SENATE BILL 6610

State of Washington

59th Legislature

2006 Regular Session

By Senate Committee on International Trade & Economic Development
(originally sponsored by Senators Oke, Rockefeller, Shin, Pflug and Sheldon)

READ FIRST TIME 02/02/06.

1 AN ACT Relating to promoting underwater viewing; amending RCW
2 43.330.090, 77.12.065, 79.105.050, and 79A.05.360; and creating new
3 sections.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that Puget Sound and
6 the other waters of Washington state contain an abundance of varied and
7 unique marine life and other natural attractions that are of interest
8 to divers and other recreationalists from all over the world. The
9 legislature further finds that in addition to the usual benefits from
10 tourism, the promotion of underwater viewing tourism in the waters of
11 Washington state will enhance efforts to protect Puget Sound by
12 assisting in educating residents and nonresidents as to the value of
13 the marine environment. The legislature therefore finds that
14 Washington state's efforts to promote nature-based tourism should
15 include the natural wonder of underwater Washington.

16 **Sec. 2.** RCW 43.330.090 and 2005 c 136 s 14 are each amended to
17 read as follows:

18 (1) The department shall work with private sector organizations,

1 local governments, local associate development organizations, and
2 higher education and training institutions to assist in the development
3 of strategies to diversify the economy, facilitate technology transfer
4 and diffusion, and increase value-added production by focusing on
5 targeted sectors. The targeted sectors may include, but are not
6 limited to, software, forest products, biotechnology, environmental
7 industries, recycling markets and waste reduction, aerospace, food
8 processing, tourism, film and video, microelectronics, new materials,
9 robotics, and machine tools. The department shall, on a continuing
10 basis, evaluate the potential return to the state from devoting
11 additional resources to a targeted sector's approach to economic
12 development and including additional sectors in its efforts. The
13 department shall use information gathered in each service delivery
14 region in formulating its sectoral strategies and in designating new
15 targeted sectors.

16 (2) The department shall pursue a coordinated program to expand the
17 tourism industry throughout the state in cooperation with the public
18 and private tourism development organizations. The department, in
19 operating its tourism program, shall:

20 (a) Promote Washington as a tourism destination to national and
21 international markets to include nature-based and wildlife viewing
22 tourism, which includes underwater viewing tourism;

23 (b) Provide information to businesses and local communities on
24 tourism opportunities that could expand local revenues;

25 (c) Assist local communities to strengthen their tourism
26 partnerships, including their relationships with state and local
27 agencies;

28 (d) Provide leadership training and assistance to local communities
29 to facilitate the development and implementation of local tourism
30 plans;

31 (e) Coordinate the development of a statewide tourism and marketing
32 plan. The department's tourism planning efforts shall be carried out
33 in conjunction with public and private tourism development
34 organizations including the department of fish and wildlife, the
35 department of natural resources, the state parks and recreation
36 commission, the interagency committee for outdoor recreation, and other
37 appropriate agencies. The plan shall specifically address mechanisms

1 for: (i) Funding national and international marketing and nature-based
2 tourism efforts; (ii) interagency cooperation; and (iii) integrating
3 the state plan with local tourism plans.

4 (3) The department may, in carrying out its efforts to expand the
5 tourism industry in the state:

6 (a) Solicit and receive gifts, grants, funds, fees, and endowments,
7 in trust or otherwise, from tribal, local or other governmental
8 entities, as well as private sources, and may expend the same or any
9 income therefrom for tourism purposes. All revenue received for
10 tourism purposes shall be deposited into the tourism development and
11 promotion account created in RCW 43.330.094;

12 (b) Host conferences and strategic planning workshops relating to
13 the promotion of nature-based and wildlife viewing tourism, which
14 includes underwater viewing tourism;

15 (c) Conduct or contract for tourism-related studies;

16 (d) Contract with individuals, businesses, or public entities to
17 carry out its tourism-related activities under this section;

18 (e) Provide tourism-related organizations with marketing and other
19 technical assistance;

20 (f) Evaluate and make recommendations on proposed tourism-related
21 policies.

22 (4)(a) The department shall promote, market, and encourage growth
23 in the production of films and videos, as well as television
24 commercials within the state; to this end the department is directed to
25 assist in the location of a film and video production studio within the
26 state.

27 (b) The department may, in carrying out its efforts to encourage
28 film and video production in the state, solicit and receive gifts,
29 grants, funds, fees, and endowments, in trust or otherwise, from
30 tribal, local, or other governmental entities, as well as private
31 sources, and may expend the same or any income therefrom for the
32 encouragement of film and video production. All revenue received for
33 such purposes shall be deposited into the film and video promotion
34 account created in RCW 43.330.092.

35 (5) In assisting in the development of a targeted sector, the
36 department's activities may include, but are not limited to:

37 (a) Conducting focus group discussions, facilitating meetings, and

1 conducting studies to identify members of the sector, appraise the
2 current state of the sector, and identify issues of common concern
3 within the sector;

4 (b) Supporting the formation of industry associations, publications
5 of association directories, and related efforts to create or expand the
6 activities or industry associations;

7 (c) Assisting in the formation of flexible networks by providing
8 (i) agency employees or private sector consultants trained to act as
9 flexible network brokers and (ii) funding for potential flexible
10 network participants for the purpose of organizing or implementing a
11 flexible network;

12 (d) Helping establish research consortia;

13 (e) Facilitating joint training and education programs;

14 (f) Promoting cooperative market development activities;

15 (g) Analyzing the need, feasibility, and cost of establishing
16 product certification and testing facilities and services; and

17 (h) Providing for methods of electronic communication and
18 information dissemination among firms and groups of firms to facilitate
19 network activity.

20 **Sec. 3.** RCW 77.12.065 and 2003 c 183 s 1 are each amended to read
21 as follows:

22 The department shall manage wildlife and habitat programs,
23 including underwater wildlife and habitat programs, in a manner that
24 provides for public opportunities to view wildlife and underwater life
25 and supports wildlife and underwater viewing tourism without impairing
26 the state's wildlife resources or their natural habitats.

27 **Sec. 4.** RCW 79.105.050 and 2005 c 155 s 141 are each amended to
28 read as follows:

29 The department shall foster the commercial and recreational use of
30 the aquatic environment for production of food, fibre, income, and
31 public enjoyment from state-owned aquatic lands and from associated
32 waters, including opportunities for underwater viewing in naturally
33 occurring aquatic habitat, and to this end the department may develop
34 and improve production and harvesting of seaweeds and sealife attached
35 to or growing on aquatic land or contained in aquaculture containers,

1 but nothing in this section alters the responsibility of other state
2 agencies for their normal management of fish, shellfish, game, and
3 water.

4 **Sec. 5.** RCW 79A.05.360 and 1999 c 249 s 1301 are each amended to
5 read as follows:

6 The commission may establish a system of underwater parks to
7 provide for diverse recreational diving opportunities and to conserve
8 and protect unique marine resources of the state of Washington. In
9 establishing and maintaining an underwater park system, the commission
10 may:

- 11 (1) Plan, construct, and maintain underwater parks;
- 12 (2) Acquire property and enter management agreements with other
13 units of state government for the management of lands, tidelands, and
14 bedlands as underwater parks;
- 15 (3) Construct artificial reefs and other underwater features to
16 enhance marine life and recreational uses of an underwater park;
- 17 (4) Accept gifts and donations for the benefit of underwater parks;
- 18 (5) Facilitate private efforts to construct artificial reefs and
19 underwater parks;
- 20 (6) Work with the federal government, local governments and other
21 appropriate agencies of state government, including but not limited to:
22 The department of natural resources, the department of fish and
23 wildlife and the natural heritage council to carry out the purposes of
24 this chapter; and
- 25 (7) Contract with other state agencies or local governments for the
26 management of an underwater park unit.

27 The commission may also take such actions as appropriate to support
28 underwater viewing tourism.

29 NEW SECTION. **Sec. 6.** (1) In several locations throughout the
30 world, the use of ships as dive attractions has helped promote
31 underwater viewing tourism. To the extent funds are made available,
32 the department of fish and wildlife shall commission an independent
33 study on the use of ships as dive attractions. The department of fish
34 and wildlife, the department of natural resources, the state parks and
35 recreation commission, the department of ecology, and the department of

1 community, trade, and economic development shall establish a work group
2 on the use of ships as dive attractions to delineate elements of this
3 study. Among the topics that the study should address are:

4 (a) Assessing the availability of appropriate locations in Puget
5 Sound at the appropriate depths after the elimination of existing areas
6 reserved for shipping lanes, shellfish beds, sensitive areas, areas
7 with water quality concerns that would preclude placement of a vessel,
8 commercial fishing areas, and areas with restrictions due to national
9 security concerns or national defense activity;

10 (b) What are the possible long-term environmental consequences,
11 including those to habitat and marine life, of the use of ships as dive
12 attractions, and what steps would need to be taken prior to the state
13 allowing the sinking of a ship to be used as a dive attraction. At a
14 minimum, this should include an assessment of:

15 (i) Water quality impacts and the residual impacts to the
16 underlying land, over time, as the vessel breaks down, such as
17 accumulation of contaminants in the sediment;

18 (ii) Potential impacts that sinking a ship would have on predation
19 of juvenile salmonid and other state or federally listed species;

20 (c) What are the possible long-term economic consequences and what
21 are the costs, both capital and operating, of the use of ships as dive
22 attractions, including the costs of cleaning a ship to appropriate
23 environmental standards;

24 (d) What funding would need to be secured prior to the state
25 allowing the sinking of a ship to be used as a dive attraction and what
26 sources of funding are, or can be made, available for this purpose; and

27 (e) What are the legal liabilities and exposures for the state in
28 using ships as dive attractions.

29 (2) Once the study is complete, the work group shall develop final
30 recommendations based on its findings, to be submitted to the
31 appropriate committees of the legislature no later than December 15,
32 2007. The objectives of the work group shall be to:

33 (a) Review the best available information regarding the
34 environmental, economic, funding, liability, and other issues involved
35 in the use of ships as dive attractions; and

36 (b) Consider the appropriate roles for each agency and the roles of
37 other federal, state, and local agencies in the planning, permitting,
38 construction, maintenance, and operation of ships as dive attractions.

1 (3) The agencies shall work with interested local governments,
2 other state agencies, tribes, visitor and convention bureaus, the
3 hospitality industry, tourism development organizations, tour operators
4 and other private sector interests, marine and underwater recreation
5 interests, educators, and conservation organizations in conducting this
6 review.

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