

SENATE BILL REPORT

SB 5923

As Reported By Senate Committee On:
Natural Resources, Ocean & Recreation, February 28, 2007
Ways & Means, March 5, 2007

Title: An act relating to aquatic invasive species enforcement and control.

Brief Description: Regarding aquatic invasive species enforcement and control.

Sponsors: Senators Swecker, Jacobsen and Sheldon.

Brief History:

Committee Activity: Natural Resources, Ocean & Recreation: 2/19/07, 2/28/07 [DPS-WM].
Ways & Means: 3/05/07 [DP2S].

SENATE COMMITTEE ON NATURAL RESOURCES, OCEAN & RECREATION

Majority Report: That Substitute Senate Bill No. 5923 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Jacobsen, Chair; Rockefeller, Vice Chair; Morton, Ranking Minority Member; Fraser, Hargrove, Poulsen, Spanel, Stevens and Swecker.

Staff: Kim Johnson (786-7346)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: That Second Substitute Senate Bill No. 5923 be substituted therefor, and the second substitute bill do pass.

Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Zarelli, Ranking Minority Member; Brandland, Carrell, Fairley, Hatfield, Hewitt, Hobbs, Honeyford, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler and Tom.

Staff: Kirstan Arestad (786-7708)

Background: Invasive species are generally considered to be animal or plant species that are thriving in a geographical area to which they are not native. The Washington Department of Fish and Wildlife (DFW) has authority to manage aquatic nuisance species and is charged with tracking and proposing solutions to manage these species.

The Aquatic Invasive Species Prevention Account and the Aquatic Invasive Species Enforcement Account were created by the Legislature in 2005. One dollar fifty cents of each

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annual vessel registration fee is deposited into the Prevention Account and fifty cents of each annual vessel registration fee is deposited into the Enforcement Account.

Funds in the Prevention Account are appropriated to the DFW to develop an Aquatic Invasive Species Prevention Program for recreational watercraft.

Funds from the Enforcement Account are appropriated to the Washington State Patrol (WSP) to develop an aquatic invasive species enforcement program for recreational watercraft.

The DFW and the Washington State Patrol are required to submit a biennial report to the appropriate legislative committees by December 1, 2007, describing the actions taken in implementing the aquatic invasive prevention and enforcement programs, along with suggestions for improvements.

Summary of Bill: Funds from the Aquatic Invasive Species Enforcement Account may also be appropriated to the DFW to develop an aquatic invasive species enforcement program for recreational and commercial watercraft.

The DFW is authorized to establish random check stations in areas of high boating activity and require persons transporting recreational and commercial watercraft to stop at the check stations. The check stations must be plainly marked by signs and operated by at least one uniformed fish and wildlife officer.

Persons stopped at a check station who possess watercraft or equipment that is contaminated with an aquatic invasive species is exempted from certain criminal penalties if that person complies with all DFW directives for the proper decontamination of the watercraft or equipment.

The Aquatic Invasive Species Prevention Program established by DFW is expanded to include commercial watercraft.

The new crime of unlawfully avoiding aquatic invasive species check stations is created. Persons who fail to obey check station signs, or who fail to stop and report at a check station if directed to do so by a uniformed fish and wildlife officer are guilty of a gross misdemeanor.

EFFECT OF CHANGES MADE BY RECOMMENDED SUBSTITUTE AS PASSED COMMITTEE (Natural Resources, Ocean & Recreation): The following provisions were added to the legislation:

DFW must post signs warning vessels of the threat of aquatic invasive species, the penalties associated with introduction of an invasive species, and proper contact information for obtaining a free vessel inspection. The signs must be posted at all ports of entry and at all boat launches, owned or leased by DFW. DFW must also provide signs that must be posted to all port districts, privately or publicly owned marinas, state parks, and other state agencies or political subdivisions that own or lease boat launches.

DFW must provide free vessel inspections to persons requesting an inspection. DFW must train its employees deployed in the field offices to provide inspections.

Persons failing to have an inspection conducted, and whose watercraft is contaminated, is guilty of unlawful introduction of an aquatic invasive species. The penalty may include forfeiture of the contaminated watercraft.

Persons who get an inspection are exempted from criminal liability for introducing an aquatic invasive species.

EFFECT OF CHANGES MADE BY RECOMMENDED SECOND SUBSTITUTE AS PASSED COMMITTEE (Ways & Means): This is a technical correction. It authorizes others designated by the Department of Fish and Wildlife (DFW) to conduct vessel and watercraft inspections, as well as removes the restriction that DFW cannot charge for vessel/watercraft inspections.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony (Natural Resources, Ocean & Recreation): PRO: Aquatic Invasive Species are extremely costly to eradicate once introduced. Zebra mussels are extremely pervasive. The Great Lakes states spend about five billion a year to try to eradicate the zebra mussel. The damage that zebra mussels can do will affect our agriculture, trade, and hydropower industries. Zebra mussels are moving west. They have been found in Lake Mead and are knocking on our door. If we don't take preventative steps now, all of our efforts at salmon restoration will be wasted.

Persons Testifying (Natural Resources, Ocean & Recreation): PRO: Bruce Bjork, Mike Cenci, DFW; Jeff Devere, Washington State Patrol.

Staff Summary of Public Testimony (Ways & Means): None.

Persons Testifying (Ways & Means): No one.