

HOUSE BILL 1395

State of Washington

62nd Legislature

2011 Regular Session

By Representatives Dunshee, Chandler, Blake, Van De Wege, Tharinger, Rolfes, Hinkle, Fitzgibbon, Dickerson, Stanford, and Reykdal; by request of Department of Fish and Wildlife and Department of Ecology

Read first time 01/20/11. Referred to Committee on General Government Appropriations & Oversight.

1 AN ACT Relating to eliminating expiration dates for the derelict
2 vessel and invasive species removal fee; and amending RCW 88.02.640 and
3 43.21A.667, 43.43.400, and 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<br>invasive species removal | Subsection (3) of this<br>section | Subsections (3) and (4) of<br>this section | Subsection (3) of this<br>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 algae  
20 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 the  
31 state treasury. Moneys directed to the account from RCW ((88.02.050))  
32 88.02.640 must be deposited in the account. Expenditures from the  
33 account may only be used as provided in this section. Moneys in the  
34 account may be spent only after appropriation.

35 (2) Funds in the freshwater aquatic algae control account may be  
36 appropriated to the department to develop a freshwater aquatic algae  
37 control program. Funds must be expended as follows:

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

8 (b) To provide technical assistance to applicants and the public  
9 about freshwater aquatic algae control.

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

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

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

19 (a) "Aquatic invasive species" means any invasive, prohibited,  
20 regulated, unregulated, or unlisted aquatic animal or plant species as  
21 defined under RCW 77.08.010 (~~((49) through (54))~~) (28), (40), (44),  
22 (58), and (59), aquatic noxious weeds as defined under RCW  
23 17.26.020(5)(c), and aquatic nuisance species as defined under RCW  
24 77.60.130(1).

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

28 (2) The aquatic invasive species enforcement account is created in  
29 the state treasury. Moneys directed to the account from RCW  
30 (~~((88.02.050))~~) 88.02.640 must be deposited in the account. Expenditures  
31 from the account may only be used as provided in this section. Moneys  
32 in the account may be spent only after appropriation.

33 (3) Funds in the aquatic invasive species enforcement account may  
34 be appropriated to the Washington state patrol and the department of  
35 fish and wildlife to develop an aquatic invasive species enforcement  
36 program for recreational and commercial watercraft, which includes

1 equipment used to transport the watercraft and auxiliary equipment such  
2 as attached or detached outboard motors. Funds must be expended as  
3 follows:

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

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

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

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

14 (iii) Provide training to all department employees that are  
15 deployed in the field to inspect recreational and commercial  
16 watercraft; and

17 (iv) Provide an inspection receipt verifying that the watercraft is  
18 not contaminated after the watercraft has been inspected at a check  
19 station or has been inspected at the request of the owner of the  
20 recreational or commercial watercraft. The inspection receipt is valid  
21 until the watercraft is used again.

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

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

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

34 (2) Funds in the aquatic invasive species prevention account may be  
35 appropriated to the department to develop an aquatic invasive species  
36 prevention program for recreational and commercial watercraft. Funds  
37 must be expended as follows:

1 (a) To inspect recreational and commercial watercraft;

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

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

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

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

18 (3) Funds in the aquatic invasive species enforcement account  
19 created in RCW 43.43.400 may be appropriated to the department and  
20 Washington state patrol to develop an aquatic invasive species  
21 enforcement program for recreational and commercial watercraft. The  
22 department shall provide training to Washington state patrol employees  
23 working at port of entry weigh stations, and other local law  
24 enforcement employees, on how to inspect recreational and commercial  
25 watercraft for the presence of aquatic invasive species. A person who  
26 enters Washington by road transporting any commercial or recreational  
27 watercraft that has been used in any designated aquatic invasive  
28 species state or foreign country as defined by rule of the department  
29 must have in his or her possession valid documentation that the  
30 watercraft has been inspected and found free of aquatic invasive  
31 species. The department is authorized to require persons transporting  
32 recreational and commercial watercraft to stop at check stations.  
33 Check stations must be plainly marked by signs, operated by at least  
34 one uniformed fish and wildlife officer, and operated in a safe manner.  
35 Any person stopped at a check station who possesses a recreational or  
36 commercial watercraft that has been used in any designated aquatic  
37 invasive species state or foreign country as defined by rule of the  
38 department, or that is contaminated with aquatic invasive species, must

1 bear the expense for any necessary impoundment, transportation,  
2 cleaning, and decontamination of the watercraft. Any person stopped at  
3 a check station who possesses a recreational or commercial watercraft  
4 that has been used in any designated aquatic invasive species state or  
5 foreign country as defined by rule of the department, or that is  
6 contaminated with aquatic invasive species, is exempt from the criminal  
7 penalties found in RCW 77.15.253 and 77.15.290, and forfeiture under  
8 RCW 77.15.070, if that person complies with all department directives  
9 for the proper decontamination of the watercraft and equipment.

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

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