

CERTIFICATION OF ENROLLMENT  
**SUBSTITUTE SENATE BILL 5036**

62nd Legislature  
2011 Regular Session

Passed by the Senate April 14, 2011  
YEAS 37 NAYS 8

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**President of the Senate**

Passed by the House April 7, 2011  
YEAS 92 NAYS 0

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**Speaker of the House of Representatives**

Approved

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**Governor of the State of Washington**

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5036** as passed by the Senate and the House of Representatives on the dates hereon set forth.

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**Secretary**

FILED

**Secretary of State  
State of Washington**

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**SUBSTITUTE SENATE BILL 5036**

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AS AMENDED BY THE HOUSE

Passed Legislature - 2011 Regular Session

**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, 43.21A.667, 43.43.400, and 77.12.879.

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

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

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

9	FEE	AMOUNT	AUTHORITY	DISTRIBUTION
10	(a) Dealer temporary permit	\$5.00	RCW 88.02.800(2)	General fund
11	(b) Derelict vessel and	Subsection (3) of this	Subsections (3) and (4) of	Subsection (3) of this
12	invasive species removal	section	this section	section
13	(c) Duplicate registration	\$1.25	RCW 88.02.590(1)(c)	General fund
14	(d) Filing	RCW 46.17.005	RCW 46.17.005	RCW 46.68.440
15	(e) License plate	RCW 46.17.015	RCW 46.17.015	RCW 46.68.400
16	technology			

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

27 (1) The ((freshwater)) aquatic algae control account is created in  
28 the state treasury. Moneys directed to the account from RCW  
29 ((88.02.050)) 88.02.640 must be deposited in the account. Expenditures  
30 from the account may only be used as provided in this section. Moneys  
31 in the account may be spent only after appropriation.

32 (2) Funds in the ((freshwater)) aquatic algae control account may  
33 be appropriated to the department to develop a freshwater and saltwater  
34 aquatic algae control program and may be used to establish contingency  
35 funds for emergent issues. Funds must be expended as follows:

36 (a) As grants to cities, counties, tribes, special purpose  
37 districts, and state agencies: (i) To manage excessive freshwater and

1 saltwater nuisance algae, with priority for the treatment of lakes in  
2 which harmful algal blooms have occurred within the past three years;  
3 and (~~during the 2009-2011 fiscal biennium to provide grants~~) (ii) for  
4 (~~sea lettuce research~~) freshwater and saltwater nuisance algae  
5 monitoring and removal (~~to assist Puget Sound communities that are~~  
6 ~~impacted by hyperblooms of sea lettuce~~); and

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

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

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

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

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

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

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

30 (2) The aquatic invasive species enforcement 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 (3) Funds in the aquatic invasive species enforcement account may  
36 be appropriated to the Washington state patrol and the department of  
37 fish and wildlife to develop an aquatic invasive species enforcement

1 program for recreational and commercial watercraft, which includes  
2 equipment used to transport the watercraft and auxiliary equipment such  
3 as attached or detached outboard motors. Funds must be expended as  
4 follows:

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

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

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

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

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

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

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

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

30 (1) The aquatic invasive species prevention 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 aquatic invasive species prevention account may be  
36 appropriated to the department to develop an aquatic invasive species

1 prevention program for recreational and commercial watercraft. Funds  
2 must be expended as follows:

3 (a) To inspect recreational and commercial watercraft;

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

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

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

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

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

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

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

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