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SENATE BILL 5702

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State of Washington

63rd Legislature

2013 Regular Session

By Senators Honeyford, Pearson, and Ranker

Read first time 02/11/13. Referred to Committee on Natural Resources & Parks.

1 AN ACT Relating to aquatic invasive species; amending RCW  
2 77.15.160; reenacting and amending RCW 77.12.879; repealing RCW  
3 77.60.130; and prescribing penalties.

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

5 **Sec. 1.** RCW 77.12.879 and 2011 c 171 s 113 and 2011 c 169 s 4 are  
6 each reenacted and amended to read as follows:

7 (1) The aquatic invasive species prevention account is created in  
8 the state treasury. Moneys directed to the account from RCW  
9 88.02.640(3)(a)(i) must be deposited in the account. Expenditures from  
10 the account may only be used as provided in this section. Moneys in  
11 the account may be spent only after appropriation.

12 (2) Funds in the aquatic invasive species prevention account may be  
13 appropriated to the department to develop an aquatic invasive species  
14 prevention program for recreational and commercial watercraft. Funds  
15 must be expended as follows:

16 (a) To inspect recreational and commercial watercraft;

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

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

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

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

14 (3) Funds in the aquatic invasive species enforcement account  
15 created in RCW 43.43.400 may be appropriated to the department and  
16 Washington state patrol to develop an aquatic invasive species  
17 enforcement program for recreational and commercial watercraft.

18 (a) The department shall provide training to Washington state  
19 patrol employees working at port of entry weigh stations, and other  
20 local law enforcement employees, on how to inspect recreational and  
21 commercial watercraft for the presence of aquatic invasive species.

22 (b) A person who enters Washington by road transporting any  
23 commercial or recreational watercraft that has been used in any  
24 (~~designated aquatic invasive species~~) state or foreign country (~~as~~  
25 ~~defined by rule of the department~~) must have in his or her possession  
26 valid documentation that the watercraft has been inspected and found  
27 free of aquatic invasive species.

28 (c) The department is authorized to require persons transporting  
29 recreational and commercial watercraft to stop at check stations.  
30 Check stations must be plainly marked by signs, operated by at least  
31 one uniformed fish and wildlife officer, and operated in a safe manner.

32 (d) Any person stopped at a check station who possesses a  
33 recreational or commercial watercraft that has been used in any  
34 designated aquatic invasive species state or foreign country as defined  
35 by rule of the department, or that is contaminated with aquatic  
36 invasive species, must bear the expense for any necessary impoundment,  
37 transportation, cleaning, and decontamination of the watercraft.

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

9 (4) 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.

13 **Sec. 2.** RCW 77.15.160 and 2012 c 176 s 15 are each amended to read  
14 as follows:

15 The following acts are infractions and must be cited and punished  
16 as provided under chapter 7.84 RCW:

17 (1) Fishing and shellfishing infractions:

18 (a) Barbed hooks: Fishing for personal use with barbed hooks in  
19 violation of any department rule.

20 (b) Catch recording: Failing to immediately record a catch of fish  
21 or shellfish on a catch record card as required by RCW 77.32.430 or  
22 department rule.

23 (c) Catch reporting: Failing to return a catch record card to the  
24 department for other than Puget Sound Dungeness crab, as required by  
25 department rule.

26 (d) Recreational fishing: Fishing for fish or shellfish and,  
27 without yet possessing fish or shellfish, the person:

28 (i) Owns, but fails to have in the person's possession the license  
29 or the catch record card required by chapter 77.32 RCW for such an  
30 activity; or

31 (ii) Violates any department rule regarding seasons, closed areas,  
32 closed times, or any other rule addressing the manner or method of  
33 fishing for fish or shellfish. This subsection does not apply to use  
34 of a net to take fish under RCW 77.15.580 or the unlawful use of  
35 shellfish gear for personal use under RCW 77.15.382.

36 (e) Seaweed: Taking, possessing, or harvesting less than two times  
37 the daily possession limit of seaweed:

1 (i) While owning, but not having in the person's possession, the  
2 license required by chapter 77.32 RCW; or

3 (ii) In violation of any rule of the department or the department  
4 of natural resources regarding seasons, closed areas, closed times, or  
5 any other rule addressing the manner or method of taking, possessing,  
6 or harvesting of seaweed.

7 (f) Unclassified fish or shellfish: Taking unclassified fish or  
8 shellfish in violation of any department rule by killing, fishing,  
9 taking, holding, possessing, or maliciously injuring or harming fish or  
10 shellfish that is not classified as game fish, food fish, shellfish,  
11 protected fish, or endangered fish.

12 (g) Wasting fish or shellfish: Killing, taking, or possessing fish  
13 or shellfish having a value of less than two hundred fifty dollars and  
14 allowing the fish or shellfish to be wasted.

15 (2) Hunting infractions:

16 (a) Eggs or nests: Maliciously, and without permit authorization,  
17 destroying, taking, or harming the eggs or active nests of a wild bird  
18 not classified as endangered or protected. For purposes of this  
19 subsection, "active nests" means nests that contain eggs or fledglings.

20 (b) Unclassified wildlife: Taking unclassified wildlife in  
21 violation of any department rule by killing, hunting, taking, holding,  
22 possessing, or maliciously injuring or harming wildlife that is not  
23 classified as big game, game animals, game birds, protected wildlife,  
24 or endangered wildlife.

25 (c) Wasting wildlife: Killing, taking, or possessing wildlife that  
26 is not classified as big game and has a value of less than two hundred  
27 fifty dollars, and allowing the wildlife to be wasted.

28 (d) Wild animals: Hunting for wild animals not classified as big  
29 game and, without yet possessing the wild animals, the person owns, but  
30 fails to have in the person's possession, all licenses, tags, or  
31 permits required by this title.

32 (e) Wild birds: Hunting for and, without yet possessing a wild  
33 bird or birds, the person:

34 (i) Owns, but fails to have in the person's possession, all  
35 licenses, tags, stamps, and permits required under this title; or

36 (ii) Violates any department rule regarding seasons, closed areas,  
37 closed times, or any other rule addressing the manner or method of  
38 hunting wild birds.

1 (3) Trapping, taxidermy, fur dealing, and wildlife meat cutting  
2 infractions:

3 (a) Recordkeeping and reporting: If a person is a taxidermist, fur  
4 dealer, or wildlife meat cutter who is processing, holding, or storing  
5 wildlife for commercial purposes, failing to:

6 (i) Maintain records as required by department rule; or

7 (ii) Report information from these records as required by  
8 department rule.

9 (b) Trapper's report: Failing to report trapping activity as  
10 required by department rule.

11 (4) Aquatic invasive species infraction: Transporting a  
12 recreational or commercial watercraft into the state without meeting  
13 valid documentation requirements as required in RCW 77.12.879.

14 (5) Other infractions:

15 (a) Contests: Conducting, holding, or sponsoring a hunting  
16 contest, a fishing contest involving game fish, or a competitive field  
17 trial using live wildlife.

18 (b) Other rules: Violating any other department rule that is  
19 designated by rule as an infraction.

20 (c) Posting signs: Posting signs preventing hunting or fishing on  
21 any land not owned or leased by the person doing the posting, or  
22 without the permission of the person who owns, leases, or controls the  
23 land posted.

24 (d) Scientific permits: Using a scientific permit issued by the  
25 director for fish, shellfish, or wildlife, but not including big game  
26 or big game parts, and the person:

27 (i) Violates any terms or conditions of the scientific permit; or

28 (ii) Violates any department rule applicable to the issuance or use  
29 of scientific permits.

30 (e) Transporting aquatic plants: Transporting aquatic plants on  
31 any state or public road, including forest roads. However:

32 (i) This subsection does not apply to plants that are:

33 (A) Being transported to the department or to another destination  
34 designated by the director, in a manner designated by the department,  
35 for purposes of identifying a species or reporting the presence of a  
36 species;

37 (B) Legally obtained for aquarium use, wetland or lakeshore  
38 restoration, or ornamental purposes;

1 (C) Located within or on a commercial aquatic plant harvester that  
2 is being transported to a suitable location to remove aquatic plants;

3 (D) Being transported in a manner that prevents their unintentional  
4 dispersal, to a suitable location for disposal, research, or  
5 educational purposes; or

6 (E) Being transported in such a way as the commission may otherwise  
7 prescribe; and

8 (ii) This subsection does not apply to a person who:

9 (A) Is stopped at an aquatic invasive species check station and  
10 possesses a recreational or commercial watercraft that is contaminated  
11 with an aquatic invasive plant species if that person complies with all  
12 department directives for the proper decontamination of the watercraft  
13 and equipment; or

14 (B) Has voluntarily submitted a recreational or commercial  
15 watercraft for inspection by the department or its designee and has  
16 received a receipt verifying that the watercraft has not been  
17 contaminated since its last use.

18 NEW SECTION. **Sec. 3.** RCW 77.60.130 (Aquatic nuisance species  
19 committee) and 2007 c 341 s 59 & 2000 c 149 s 1 are each repealed.

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