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ENGROSSED SUBSTITUTE SENATE BILL 6040

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State of Washington

63rd Legislature

2014 Regular Session

**By** Senate Natural Resources & Parks (originally sponsored by Senators Honeyford, Hargrove, Pearson, Ranker, Parlette, and Sheldon; by request of Department of Fish and Wildlife)

READ FIRST TIME 02/05/14.

1 AN ACT Relating to invasive species; amending RCW 77.15.160,  
2 77.12.020, 77.15.080, 77.15.290, 43.06.010, 43.43.400, 10.31.100,  
3 77.15.360, 82.49.030, and 77.12.879; reenacting and amending RCW  
4 77.08.010; adding new sections to chapter 77.15 RCW; adding a new  
5 chapter to Title 77 RCW; creating a new section; repealing RCW  
6 77.12.875, 77.12.878, 77.12.882, 77.15.253, 77.15.293, 77.60.110, and  
7 77.60.120; prescribing penalties; and making appropriations.

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

9 **PART 1**

10 **INVASIVE SPECIES--MANAGEMENT**

11 NEW SECTION. **Sec. 101.** The legislature finds that:

12 (1) The state's fish, wildlife, and habitat are exceptionally  
13 valuable environmental resources for the state's citizens.

14 (2) The state's fish, wildlife, and habitat also provide  
15 exceptionally valuable economic, cultural, and recreational resources.  
16 These include hydroelectric power, agriculture, forests, water  
17 supplies, commercial and recreational fisheries, aquaculture, and  
18 public access to outdoor recreational opportunities.

1 (3) Invasive species pose a grave threat to these environmental and  
2 economic resources, especially to salmon recovery and state and  
3 federally listed threatened and endangered species. Because of the  
4 significant harm invasive species can cause, invasive species  
5 constitute a public nuisance.

6 (4) If allowed to become established, invasive species can threaten  
7 human health and cause environmental and economic disasters affecting  
8 not only our state, but other states and nations.

9 (5) The risk of invasive species spreading into Washington  
10 increases as travel and commerce grows in volume and efficiency.

11 (6) Prevention of invasive species is a cost-effective, successful,  
12 and proven management strategy. Prevention is the state's highest  
13 management priority with an emphasis on education and outreach,  
14 inspections, and rapid response.

15 (7) The integrated management of invasive species through pathways  
16 regulated by the department is critical to preventing the introduction  
17 and spread of a broad range of such species, including plants,  
18 diseases, and parasites.

19 (8) Washington's citizens must work together to protect the state  
20 from invasive species.

21 (9) Public and private partnerships, cooperative agreements, and  
22 compacts are important for preventing new arrivals and managing  
23 existing populations of invasive species, and coordinating these  
24 actions on local, state, national, and international levels.

25 (10) The department requires authority for this mission to  
26 effectively counter the unpredictable nature of invasive species'  
27 introductions and spread, enable the utilization of new advances in  
28 invasive ecology science, and implement applicable techniques and  
29 technology to address invasive species.

30 (11) An integrated management approach provides the best way for  
31 the state to manage invasive species and includes opportunities for  
32 creating an informed public, encouraging public involvement, and  
33 striving for local, regional, national, and international cooperation  
34 and consistency on management standards. An integrated management  
35 approach also applies sound science to minimize the chance that  
36 invasive species used for beneficial purposes will result in  
37 environmental harm.

1 (12) This chapter provides authority for the department to  
2 effectively address invasive species using an integrated management  
3 approach.

4 (13) The department of fish and wildlife currently has sufficient  
5 statutory authority to effectively address invasive species risks posed  
6 through discharge of ballast water under chapter 77.120 RCW and by  
7 private sector shellfish aquaculture operations regulated under chapter  
8 77.115 RCW. The programs developed by the department under these  
9 chapters embody the principles of prevention as the highest priority,  
10 integrated management of pathways, public-private partnerships, clean  
11 and drain principles, and rapid response capabilities.

12 NEW SECTION. **Sec. 102.** The definitions in this section apply  
13 throughout this chapter unless the context clearly requires otherwise.

14 (1) "Aquatic conveyance" means transportable personal property  
15 having the potential to move an aquatic invasive species from one  
16 aquatic environment to another. Aquatic conveyances include but are  
17 not limited to watercraft and associated equipment, float planes,  
18 construction equipment, fish tanker trucks, hydroelectric and  
19 irrigation equipment, personal fishing and hunting gear, and materials  
20 used for aquatic habitat mitigation or restoration.

21 (2) "Aquatic invasive species" means an invasive species of the  
22 animal kingdom with a life cycle that is at least partly dependent upon  
23 fresh, brackish, or marine waters. Examples include nutria, waterfowl,  
24 amphibians, fish, and shellfish.

25 (3) "Aquatic plant" means a native or nonnative emergent,  
26 submersed, partially submersed, free-floating, or floating-leaved plant  
27 species that is dependent upon fresh, brackish, or marine water  
28 ecosystems and includes all stages of development and parts.

29 (4) "Certificate of inspection" means a department-approved  
30 document that declares, to the extent technically or measurably  
31 possible, that an aquatic conveyance does not carry or contain an  
32 invasive species. Certification may be in the form of a decal, label,  
33 rubber stamp imprint, tag, permit, locking seal, or written statement.

34 (5) "Clean and drain" means to remove the following from areas on  
35 or within an aquatic conveyance to the extent technically and  
36 measurably possible:

1 (a) Visible native and nonnative aquatic animals, plants, or other  
2 organisms; and

3 (b) Raw water.

4 (6) "Commercial watercraft" means a management category of aquatic  
5 conveyances:

6 (a) Required to have valid marine documentation as a vessel of the  
7 United States or similar required documentation for a country other  
8 than the United States; and

9 (b) Not subject to watercraft registration requirements under  
10 chapter 88.02 RCW or ballast water requirements under chapter 77.120  
11 RCW.

12 (7) "Cryptogenic species" means a species that scientists cannot  
13 commonly agree are native or nonnative or are part of the animal  
14 kingdom.

15 (8) "Decontaminate" means, to the extent technically and measurably  
16 possible, the application of a treatment to kill, destroy, remove, or  
17 otherwise eliminate all known or suspected invasive species carried on  
18 or contained within an aquatic conveyance or structural property by use  
19 of physical, chemical, or other methods. Decontamination treatments  
20 may include drying an aquatic conveyance for a time sufficient to kill  
21 aquatic invasive species through desiccation.

22 (9) "Detect" means the verification of invasive species' presence  
23 as defined by the department.

24 (10) "Eradicate" means, to the extent technically and measurably  
25 possible, to kill, destroy, remove, or otherwise eliminate an invasive  
26 species from a water body or property using physical, chemical, or  
27 other methods.

28 (11) "Infested site management" means management actions as  
29 provided under section 109 of this act that may include long-term  
30 actions to contain, control, or eradicate a prohibited species.

31 (12) "Introduce" means to intentionally or unintentionally release,  
32 place, or allow the escape, dissemination, or establishment of an  
33 invasive species on or into a water body or property as a result of  
34 human activity or a failure to act.

35 (13) "Invasive species" means nonnative species of the animal  
36 kingdom that are not naturally occurring in Washington for purposes of  
37 breeding, resting, or foraging, and that pose an invasive risk of  
38 harming or threatening the state's environmental, economic, or human

1 resources. Invasive species include all stages of species development  
2 and body parts. They may also include genetically modified or  
3 cryptogenic species.

4 (14) "Invasive species council" means the Washington invasive  
5 species council established in RCW 79A.25.310 or a similar  
6 collaborative state agency forum. The term includes the council and  
7 all of its officers, employees, agents, and contractors.

8 (15) "Mandatory check station" means a location where a person  
9 transporting an aquatic conveyance must stop and allow the conveyance  
10 to be inspected for aquatic invasive species.

11 (16) "Possess" means to have authority over the use of an invasive  
12 species or use of an aquatic conveyance that may carry or contain an  
13 invasive species. For the purposes of this subsection, "authority  
14 over" includes the ability to intentionally or unintentionally hold,  
15 import, export, transport, purchase, sell, barter, distribute, or  
16 propagate an invasive species.

17 (17) "Prohibited species" means a classification category of  
18 nonnative species as provided in section 104 of this act.

19 (18) "Property" means both real and personal property.

20 (19) "Quarantine declaration" means a management action as provided  
21 under section 107 of this act involving the prohibition or conditioning  
22 of the movement of aquatic conveyances and waters from a place or an  
23 area that is likely to contain a prohibited species.

24 (20) "Rapid response" means expedited management actions as  
25 provided under section 108 of this act triggered when invasive species  
26 are detected, for the time-sensitive purpose of containing or  
27 eradicating the species before it spreads or becomes further  
28 established.

29 (21) "Raw water" means water from a water body and held on or  
30 within property. "Raw water" does not include water from precipitation  
31 that is captured in a conveyance, structure, or depression that is not  
32 otherwise intended to function as a water body, or water from a potable  
33 water supply system, unless the water contains visible aquatic  
34 organisms.

35 (22) "Regulated species" means a classification category of  
36 nonnative species as provided in section 104 of this act.

37 (23) "Registered watercraft" means a management category of aquatic

1 conveyances required to register as vessels under RCW 88.02.550 or  
2 similar requirements for a state other than Washington or a country  
3 other than the United States.

4 (24) "Seaplane" means a management category of aquatic conveyances  
5 capable of landing on or taking off from water and required to register  
6 as an aircraft under RCW 47.68.250 or similar registration in a state  
7 other than Washington or a country other than the United States.

8 (25) "Small watercraft" means a management category of aquatic  
9 conveyances:

10 (a) Including inflatable and hard-shell watercraft used or capable  
11 of being used as a means of transportation on the water, such as  
12 kayaks, canoes, sailboats, and rafts that:

13 (i) Do not meet watercraft registration requirements under chapter  
14 88.02 RCW; and

15 (ii) Are ten feet or more in length with or without mechanical  
16 propulsion or less than ten feet in length and fitted with mechanical  
17 propulsion.

18 (b) Excluding nonmotorized aquatic conveyances of any size not  
19 designed or modified to be used as a means of transportation on the  
20 water, such as inflatable air mattresses and tubes, beach and water  
21 toys, surf boards, and paddle boards.

22 (26) "Water body" means an area that carries or contains a  
23 collection of water, regardless of whether the feature carrying or  
24 containing the water is natural or nonnatural. Examples include  
25 basins, bays, coves, streams, rivers, springs, lakes, wetlands,  
26 reservoirs, ponds, tanks, irrigation canals, and ditches.

27 NEW SECTION. **Sec. 103.** (1) The department is the lead agency for  
28 managing invasive species of the animal kingdom statewide. This lead  
29 responsibility excludes pests, domesticated animals, or livestock  
30 managed by the department of agriculture under Titles 15, 16, and 17  
31 RCW, forest invasive insect and disease species managed by the  
32 department of natural resources under Title 76 RCW, and mosquito and  
33 algae control and shellfish sanitation managed by the department of  
34 health under Titles 69, 70, and 90 RCW.

35 (2) Subject to the availability of funding for these specific  
36 purposes, the department may:

1 (a) Develop and implement integrated invasive species management  
2 actions and programs authorized by this chapter, including rapid  
3 response, early detection and monitoring, prevention, containment,  
4 control, eradication, and enforcement;

5 (b) Establish and maintain an invasive species outreach and  
6 education program, in coordination with the Washington invasive species  
7 council, that covers public, commercial, and professional pathways and  
8 interests;

9 (c) Align management classifications, standards, and enforcement  
10 provisions by rule with regional, national, and international standards  
11 and enforcement provisions;

12 (d) Manage invasive species to support the preservation of native  
13 species, salmon recovery, and the overall protection of threatened or  
14 endangered species;

15 (e) Participate in local, state, regional, national, and  
16 international efforts regarding invasive species to support the intent  
17 of this chapter;

18 (f) Provide technical assistance or other support to tribes,  
19 federal agencies, local governments, and private groups to promote an  
20 informed public and assist the department in meeting the intent of this  
21 chapter;

22 (g) Enter into partnerships, cooperative agreements, and state or  
23 interstate compacts as necessary to accomplish the intent of this  
24 chapter;

25 (h) Research and develop invasive species management tools,  
26 including standard methods for decontaminating aquatic conveyances and  
27 controlling or eradicating invasive species from water bodies and  
28 properties;

29 (i) Post invasive species signs and information at port districts,  
30 privately or publicly owned marinas, state parks, and all boat launches  
31 owned or leased by state agencies or political subdivisions; and

32 (j) Adopt rules as needed to implement the provisions of this  
33 chapter.

34 (3) The department may delegate selected and clearly identified  
35 elements of its authorities and duties to another agency of the state  
36 with appropriate expertise or administrative capacity upon cooperative  
37 agreement with that agency. This delegation may include provisions of

1 funding for implementation of the delegations. The department retains  
2 primary authority and responsibility for all requirements of this  
3 chapter unless otherwise directed in this chapter.

4 (4) This chapter does not apply to the possession or introduction  
5 of nonnative aquatic animal species by:

6 (a) Ballast water held or discharged by vessels regulated under  
7 chapter 77.120 RCW; or

8 (b) Private sector aquaculture operations, transfers, or  
9 conveyances regulated under chapter 77.115 RCW.

10 (5) This chapter does not preempt or replace other department  
11 species classification systems or other management requirements under  
12 this title. However, the department must streamline invasive species  
13 requirements under this chapter into existing permits and cooperative  
14 agreements as possible.

15 NEW SECTION. **Sec. 104.** (1) The department, in consultation with  
16 the invasive species council, may classify or reclassify and list by  
17 rule nonnative aquatic animal species as prohibited level 1, level 2,  
18 or level 3, based on the degree of invasive risk, the type of  
19 management action required, and resources available to conduct the  
20 management action.

21 (a) Species classified as prohibited level 1 pose a high invasive  
22 risk and are a priority for prevention and expedited rapid response  
23 management actions.

24 (b) Species classified as prohibited level 2 pose a high invasive  
25 risk and are a priority for long-term infested site management actions.

26 (c) Species classified as prohibited level 3 pose a moderate to  
27 high invasive risk and may be appropriate for prevention, rapid  
28 response, or other prohibited species management plan actions by the  
29 department, another agency, a local government, tribes, or the public.

30 (2) The department, in consultation with the invasive species  
31 council, may classify and list by rule regulated type A species. This  
32 classification is used for nonnative aquatic animal species that pose  
33 a low to moderate invasive risk that can be managed based on intended  
34 use or geographic scope of introduction, have a beneficial use, and are  
35 a priority for department-led or department-approved management of the  
36 species' beneficial use and invasive risks.



1 (3) Nonnative aquatic animal species not classified as prohibited  
2 level 1, level 2, or level 3 under subsection (1) of this section, or  
3 as regulated type A species under subsection (2) of this section, are  
4 automatically managed statewide as regulated type B species or  
5 regulated type C species and do not require listing by rule.

6 (a) Species managed as regulated type B pose a low or unknown  
7 invasive risk and are possessed for personal or commercial purposes,  
8 such as for aquariums, live food markets, or as nondomesticated pets.

9 (b) Species managed as regulated type C pose a low or unknown  
10 invasive risk and include all other species that do not meet the  
11 criteria for management as a regulated type B invasive species.

12 (4) Classification of prohibited and regulated species:

13 (a) May be by individual species or larger taxonomic groups up to  
14 the family name;

15 (b) Must align, as practical and appropriate, with regional and  
16 national classification levels;

17 (c) Must be statewide unless otherwise designated by a water body,  
18 property, or other geographic region or area; and

19 (d) May define general possession and introduction conditions  
20 acceptable under department authorization, a permit, or as otherwise  
21 provided by rule.

22 (5) Prior to or at the time of classifying species by rule as  
23 prohibited or regulated under subsections (1) and (2) of this section,  
24 the department, in consultation with the invasive species council, must  
25 adopt rules establishing standards for determining invasive risk levels  
26 and criteria for determining beneficial use that take into  
27 consideration environmental impacts, and especially effects on the  
28 preservation of native species, salmon recovery, and threatened or  
29 endangered species.

30 NEW SECTION. **Sec. 105.** (1) Until the department adopts rules  
31 classifying species pursuant to chapter 77.--- RCW (the new chapter  
32 created in section 122 of this act), species and classifications  
33 identified in this section are automatically managed as follows:

34 (a) Zebra mussels (*Dreissena polymorpha*), quagga mussels (*Dreissena*  
35 *rostriformis bugensis*), European green crab (*Carcinus maenas*), and all  
36 members of the genus *Eriocheir* (including Chinese mitten crab), all  
37 members of the walking catfish family (*Clariidae*), all members of the

1 snakehead family (*Channidae*), silver carp (*Hypophthalmichthys*  
2 *molitrix*), largescale silver carp (*Hypophthalmichthys harmandi*), black  
3 carp (*Mylopharyngodon piceus*), and bighead carp (*Hypophthalmichthys*  
4 *nobilis*) are prohibited level 1 species statewide;

5 (b) Prohibited aquatic animal species classified under WAC 220-12-  
6 090(1), in effect on July 1, 2014, except those as noted in this  
7 subsection are prohibited level 3 species statewide;

8 (c) Regulated aquatic animal species classified under WAC 220-12-  
9 090(2), in effect on July 1, 2014, are regulated type A species  
10 statewide; and

11 (d) Nonnative aquatic animal species classified as game fish under  
12 WAC 232-12-019, in effect on July 1, 2014, or food fish under WAC 220-  
13 12-010, in effect on July 1, 2014, are regulated type A species  
14 statewide.

15 (2) The department, in consultation with the invasive species  
16 council, may change these classifications by rule.

17 NEW SECTION. **Sec. 106.** (1) Prohibited level 1, level 2, and level  
18 3 species may not be possessed, introduced on or into a water body or  
19 property, or trafficked, without department authorization, a permit, or  
20 as otherwise provided by rule.

21 (2) Regulated type A, type B, and type C species may not be  
22 introduced on or into a water body or property without department  
23 authorization, a permit, or as otherwise provided by rule.

24 (3) Regulated type B species, when being actively used for  
25 commercial purposes, must be readily and clearly identified in writing  
26 by taxonomic species name or subspecies name to distinguish the  
27 subspecies from another prohibited species or a regulated type A  
28 species. Nothing in this section precludes using additional  
29 descriptive language or trade names to describe regulated type B  
30 species as long as the labeling requirements of this section are met.

31 NEW SECTION. **Sec. 107.** (1) If the department determines it is  
32 necessary to protect the environmental, economic, or human health  
33 interests of the state from the threat of a prohibited level 1 or level  
34 2 species, the department may declare a quarantine against a water  
35 body, property, or region within the state. The department may

1 prohibit or condition the movement of aquatic conveyances and waters  
2 from such a quarantined place or area that are likely to contain a  
3 prohibited species.

4 (2) A quarantine declaration under this section may be implemented  
5 separately or in conjunction with rapid response management actions  
6 under section 108 of this act and infested site management actions  
7 under section 109 of this act in a manner and for a duration necessary  
8 to protect the interests of the state from the threat of a prohibited  
9 level 1 or level 2 species. A quarantine declaration must include:

- 10 (a) The reasons for the action including the prohibited level 1 or  
11 level 2 species triggering the quarantine;
- 12 (b) The boundaries of the area affected;
- 13 (c) The action timeline;
- 14 (d) Types of aquatic conveyances and waters affected by the  
15 quarantine and any prohibition or conditions on the movement of those  
16 aquatic conveyances and waters from the quarantine area; and
- 17 (e) Inspection and decontamination requirements for aquatic  
18 conveyances.

19 NEW SECTION. **Sec. 108.** (1) The department may implement rapid  
20 response management actions where a prohibited level 1 species is  
21 detected in or on a water body or property. Rapid response management  
22 actions may: Include expedited actions to contain, control, or  
23 eradicate the prohibited species; and, if applicable, be implemented in  
24 conjunction with a quarantine declaration. Rapid response management  
25 actions must be terminated by the department when it determines that  
26 the targeted prohibited level 1 species are:

- 27 (a) Eradicated;
- 28 (b) Contained or controlled without need for further management  
29 actions;
- 30 (c) Reclassified for that water body; or
- 31 (d) Being managed under infested site management actions pursuant  
32 to section 109 of this act.

33 (2) If a rapid response management action exceeds seven days, the  
34 department may implement an incident command system for rapid response  
35 management including scope, duration, and types of actions and to  
36 support mutual assistance and cooperation between the department and  
37 other affected state and federal agencies, tribes, local governments,

1 and private water body or property owners. The purpose of this system  
2 is to coordinate a rapid, effective, and efficient response to contain,  
3 control, and eradicate if feasible, a prohibited level 1 species.  
4 Mutual assistance and coordination by other state agencies is  
5 especially important to assist the department in expediting necessary  
6 state and federal environmental permits.

7 (3) The department may enter into cooperative agreements with  
8 national, regional, state, and local rapid response management action  
9 partners to establish incident command system structures, secure or  
10 prepare submission-ready environmental permits, and identify mutual  
11 assistance commitments in preparation for potential future actions.

12 (4) The department may perform simulated rapid response exercises,  
13 testing, or other training activities to prepare for future rapid  
14 response management actions.

15 (5) In implementing rapid response management actions, the  
16 department may enter upon property consistent with the process  
17 established under section 119 of this act.

18 NEW SECTION. **Sec. 109.** (1) The department may implement infested  
19 site management actions where a prohibited level 2 species is detected  
20 in or on a water body or property. Infested site management actions  
21 may: Include long-term actions to contain, control, or eradicate the  
22 prohibited species; and, if applicable, be implemented in conjunction  
23 with a quarantine declaration. Infested site management actions must  
24 be terminated by the department when it determines that the targeted  
25 prohibited level 2 species are:

- 26 (a) Eradicated;
- 27 (b) Contained or controlled without need for further management  
28 actions; or
- 29 (c) Reclassified for that water body.

30 (2) The department must consult with affected state and federal  
31 agencies, tribes, local governments, and private water body or property  
32 owners prior to implementing infested site management actions. The  
33 purpose of the consultation is to support mutual assistance and  
34 cooperation in providing an effective and efficient response to  
35 contain, control, and eradicate, if feasible, a prohibited level 2  
36 species.

1 (3) The department may enter into cooperative agreements with  
2 national, regional, state, and local infested site management action  
3 partners to establish management responsibilities, secure or prepare  
4 submission-ready environmental permits, and identify mutual assistance  
5 commitments.

6 (4) In implementing infested site management actions, the  
7 department may enter upon property consistent with the process  
8 established under section 119 of this act.

9 NEW SECTION. **Sec. 110.** (1) To the extent possible, the  
10 department's quarantine declarations under section 107 of this act,  
11 rapid response management actions under section 108 of this act, and  
12 infested site management actions under section 109 of this act must be  
13 implemented in a manner best suited to contain, control, and eradicate  
14 prohibited level 1 and level 2 species while protecting human safety,  
15 minimizing adverse environmental impacts to a water body or property,  
16 and minimizing adverse economic impacts to owners of an affected water  
17 body or property.

18 (2) The department is the lead agency for quarantine declarations,  
19 rapid response, and infested site management actions. Where the  
20 infested water body is subject to tribal, federal, or other sovereign  
21 jurisdiction, the department:

22 (a) Must consult with appropriate federal agencies, tribal  
23 governments, other states, and Canadian government entities to develop  
24 and implement coordinated management actions on affected water bodies  
25 under shared jurisdiction;

26 (b) May assist in infested site management actions where these  
27 actions may prevent the spread of prohibited species into state water  
28 bodies; and

29 (c) May assist other states and Canadian government entities, in  
30 the Columbia river basin, in management actions on affected water  
31 bodies outside of the state where these actions may prevent the spread  
32 of the species into state water bodies.

33 (3)(a) The department must provide notice of quarantine  
34 declarations, rapid response, and infested site management actions to  
35 owners of an affected water body or property. Notice may be provided  
36 by any reasonable means, such as in person, by United States postal

1 service, by publication in a local newspaper, by electronic publication  
2 including social media or postings on the department's public web site,  
3 or by posting signs at the water body.

4 (b) The department must provide updates to owners of an affected  
5 water body or property based on management action type as follows:

6 (i) Every seven days for a rapid response management action and, if  
7 applicable, a quarantine declaration implemented in conjunction with a  
8 rapid response management action;

9 (ii) Every six months for a separate quarantine declaration;

10 (iii) Annually for the duration of an infested site management  
11 action and, if applicable, a quarantine declaration implemented in  
12 conjunction with an infested site management action; and

13 (iv) A final update at the conclusion of any management action.

14 (c) In addition to owners of an affected water body or property,  
15 the department must provide notice of a quarantine declaration to  
16 members of the public by any reasonable means for an area subject to a  
17 quarantine declaration, such as by publication in a local newspaper, by  
18 electronic publication including social media or postings on the  
19 department's public web site, or by posting signs at the water body.  
20 The department must provide updates at reasonable intervals and a final  
21 update at the conclusion of the quarantine declaration.

22 (4) The department must publicly list those water bodies or  
23 portions of water bodies in which a prohibited level 1 or level 2  
24 species has been detected. The department may list those areas in  
25 which a prohibited level 3 species has been detected.

26 (5) When posting signs at a water body or property where a  
27 prohibited species has been detected, the department must consult with  
28 owners of the affected water body or property regarding placement of  
29 those signs.

30 NEW SECTION. **Sec. 111.** (1) If the director finds that there  
31 exists an imminent danger of a prohibited level 1 or level 2 species  
32 detection that seriously endangers or threatens the environment,  
33 economy, human health, or well-being of the state of Washington, the  
34 director must ask the governor to order, under RCW 43.06.010(14),  
35 emergency measures to prevent or abate the prohibited species. The  
36 director's findings must contain an evaluation of the effect of the  
37 emergency measures on environmental factors such as fish listed under

1 the endangered species act, economic factors such as public and private  
2 access, human health factors such as water quality, or well-being  
3 factors such as cultural resources.

4 (2) If an emergency is declared pursuant to RCW 43.06.010(14), the  
5 director may consult with the invasive species council to advise the  
6 governor on emergency measures necessary under RCW 43.06.010(14) and  
7 this section, and make subsequent recommendations to the governor. The  
8 invasive species council must involve owners of the affected water body  
9 or property, state and local governments, federal agencies, tribes,  
10 public health interests, technical service providers, and environmental  
11 organizations, as appropriate.

12 (3) Upon the governor's approval of emergency measures, the  
13 director may implement these measures to prevent, contain, control, or  
14 eradicate invasive species that are the subject of the emergency order,  
15 notwithstanding the provisions of chapter 15.58 or 17.21 RCW or any  
16 other statute. These measures, after evaluation of all other  
17 alternatives, may include the surface and aerial application of  
18 pesticides.

19 (4) The director must continually evaluate the effects of the  
20 emergency measures and report these to the governor at intervals of not  
21 less than ten days. The director must immediately advise the governor  
22 if the director finds that the emergency no longer exists or if certain  
23 emergency measures should be discontinued.

24 NEW SECTION. **Sec. 112.** (1) A person in possession of an aquatic  
25 conveyance who enters Washington by road, air, or water is required to  
26 have a certificate of inspection. A person must provide this  
27 certificate of inspection upon request by a fish and wildlife officer  
28 or ex officio fish and wildlife officer.

29 (2) The department must adopt rules to implement this section  
30 including:

31 (a) Types of aquatic conveyances required to have a certificate of  
32 inspection;

33 (b) Allowable certificate of inspection forms including passport  
34 type systems and integration with existing similar permits;

35 (c) Situations when authorization can be obtained for transporting  
36 an aquatic conveyance not meeting inspection requirements to a

1 specified location within the state where certificate of inspection  
2 requirements can be provided; and

3 (d) Situations where aquatic conveyances are using shared boundary  
4 waters of the state, such as portions of the Columbia river, lake  
5 Osoyoos, and the Puget Sound.

6 NEW SECTION. **Sec. 113.** (1) A person in possession of an aquatic  
7 conveyance must meet clean and drain requirements after the  
8 conveyance's use in or on a water body or property. A certificate of  
9 inspection is not needed to meet clean and drain requirements.

10 (2) A fish and wildlife officer or ex officio fish and wildlife  
11 officer may order a person transporting an aquatic conveyance not  
12 meeting clean and drain requirements to:

13 (a) Clean and drain the conveyance at the discovery site, if the  
14 department determines there are sufficient resources available; or

15 (b) Transport the conveyance to a reasonably close location where  
16 resources are sufficient to meet the clean and drain requirements.

17 (3) This section may be enforced immediately on the transportation  
18 of aquatic plants by registered watercraft, small watercraft,  
19 seaplanes, and commercial watercraft. The department must adopt rules  
20 to implement all other aspects of clean and drain requirements,  
21 including:

22 (a) Other types of aquatic conveyances subject to this requirement;

23 (b) When transport of an aquatic conveyance is authorized if clean  
24 and drain services are not readily available at the last water body  
25 used; and

26 (c) Exemptions to clean and drain requirements where the department  
27 determines there is minimal risk of spreading invasive species.

28 NEW SECTION. **Sec. 114.** (1) The department may establish mandatory  
29 check stations to inspect aquatic conveyances for clean and drain  
30 requirements and aquatic invasive species. The check stations must be  
31 operated by at least one fish and wildlife officer, an ex officio fish  
32 and wildlife officer in coordination with the department, or  
33 department-authorized representative, and must be plainly marked by  
34 signs and operated in a safe manner.

35 (2) Aquatic conveyances required to stop at mandatory check  
36 stations include registered watercraft, commercial watercraft, and



1 small watercraft. The department may establish rules governing other  
2 types of aquatic conveyances that must stop at mandatory check  
3 stations. The rules must provide sufficient guidance so that a person  
4 transporting the aquatic conveyance readily understands that he or she  
5 is required to stop.

6 (3) A person who encounters a mandatory check station while  
7 transporting an aquatic conveyance must:

8 (a) Stop at the mandatory check station;

9 (b) Allow the aquatic conveyance to be inspected for clean and  
10 drain requirements and aquatic invasive species;

11 (c) Follow clean and drain orders if clean and drain requirements  
12 are not met pursuant to section 113 of this act; and

13 (d) Follow decontamination orders pursuant to section 115 of this  
14 act if an aquatic invasive species is found.

15 (4) A person who complies with the department directives under this  
16 section is exempt from criminal penalties under sections 205 and 206 of  
17 this act, civil penalties under RCW 77.15.160(4), and civil forfeiture  
18 under RCW 77.15.070, unless the person has a prior conviction for an  
19 invasive species violation within the past five years.

20 NEW SECTION. **Sec. 115.** (1) Upon discovery of an aquatic  
21 conveyance that carries or contains an aquatic invasive species without  
22 department authorization, a permit, or as otherwise provided by rule,  
23 a fish and wildlife officer or ex officio fish and wildlife officer may  
24 issue a decontamination order:

25 (a) Requiring decontamination at the discovery site, if the  
26 situation presents a low risk of aquatic invasive species introduction,  
27 and sufficient department resources are available at the discovery  
28 site;

29 (b) Prohibiting the launch of the aquatic conveyance in a water  
30 body until decontamination is completed and certified, if the situation  
31 presents a low risk of aquatic invasive species introduction, and  
32 sufficient department resources are not available at the discovery  
33 site;

34 (c) Requiring immediate transport of the conveyance to an approved  
35 decontamination station, and prohibiting the launch of the conveyance  
36 in a water body until decontamination is completed and certified, if

1 the situation presents a moderate risk of aquatic invasive species  
2 introduction, and sufficient department resources are not available at  
3 the discovery site; or

4 (d) Seizing and transporting the aquatic conveyance to an approved  
5 decontamination station until decontamination is completed and  
6 certified, if the situation presents a high risk of aquatic invasive  
7 species introduction, and sufficient department resources are not  
8 available at the discovery site.

9 (2) The person possessing the aquatic conveyance that is subject to  
10 orders issued under subsection (1)(b) through (d) of this section must  
11 bear any costs for seizure, transportation, or decontamination.

12 (3) Orders issued under subsection (1)(b) through (d) of this  
13 section must be in writing and must include notice of the opportunity  
14 for a hearing pursuant to section 116 of this act to determine the  
15 validity of the orders.

16 (4) If a decontamination order is issued under subsection (1)(d) of  
17 this section, the department may seize the aquatic conveyance for two  
18 working days or a reasonable additional period of time thereafter as  
19 needed to meet decontamination requirements. The decontamination  
20 period must be based on factors including conveyance size and  
21 complexity, type and number of aquatic invasive species present, and  
22 decontamination station resource capacity.

23 (5) If an aquatic conveyance is subject to forfeiture under RCW  
24 77.15.070, the timelines and other provisions under that section apply  
25 to the seizure.

26 (6) Upon decontamination and issuing a certificate of inspection,  
27 an aquatic conveyance must be released to the person in possession of  
28 the aquatic conveyance at the time the decontamination order was  
29 issued, or to the owner of the aquatic conveyance.

30 NEW SECTION. **Sec. 116.** (1) A person aggrieved or adversely  
31 affected by a quarantine declaration under section 107 of this act, a  
32 rapid response management action under section 108 of this act, an  
33 infested site management action under section 109 of this act, or a  
34 decontamination order under section 115 of this act may contest the  
35 validity of the department's actions by requesting a hearing in writing  
36 within twenty days of the department's actions.

1 (2) Hearings must be conducted pursuant to chapter 34.05 RCW and  
2 the burden of demonstrating the invalidity of agency action is on the  
3 party asserting invalidity. The hearing may be conducted by the  
4 director or the director's designee and may occur telephonically.

5 (3) A hearing on a decontamination order is limited to the issues  
6 of whether decontamination was necessary and the reasonableness of  
7 costs assessed for any seizure, transportation, and decontamination.  
8 If the person in possession of the aquatic conveyance that was  
9 decontaminated prevails at the hearing, the person is entitled to  
10 reimbursement by the department for any costs assessed by the  
11 department or decontamination station operator for the seizure,  
12 transportation, and decontamination. If the department prevails at the  
13 hearing, the department is not responsible for and may not reimburse  
14 any costs.

15 NEW SECTION. **Sec. 117.** (1) The department may operate aquatic  
16 conveyance inspection and decontamination stations statewide for  
17 voluntary use by the public or for mandatory use where directed by the  
18 department to meet inspection and decontamination requirements of this  
19 chapter. Decontamination stations can be part of or separate from  
20 inspection stations. Inspection and decontamination stations are  
21 separate from commercial vehicle weigh stations operated by the  
22 Washington state patrol.

23 (2) Inspection station staff must inspect aquatic conveyances to  
24 determine whether the conveyances carry or contain aquatic invasive  
25 species. If an aquatic conveyance is free of aquatic invasive species,  
26 then inspection station staff must issue a certificate of inspection.  
27 A certificate of inspection is valid until the conveyance's next use in  
28 a water body.

29 (3) If a conveyance carries or contains aquatic invasive species,  
30 then inspection station staff must require the conveyance's  
31 decontamination before issuing a certificate of inspection. The  
32 certificate of inspection is valid until the conveyance's next use in  
33 a water body.

34 (4) The department must identify, in a way that is readily  
35 available to the public, the location and contact information for  
36 inspection and decontamination stations.

1 (5) The department must adopt by rule standards for inspection and  
2 decontamination that, where practical and appropriate, align with  
3 regional, national, and international standards.

4 NEW SECTION. **Sec. 118.** (1) The department may authorize  
5 representatives to operate its inspection and decontamination stations  
6 and mandatory check stations. Department-authorized representatives  
7 may be department volunteers, other law enforcement agencies, or  
8 independent businesses.

9 (2) The department must adopt rules governing the types of services  
10 that department-authorized representatives may perform under this  
11 chapter.

12 (3) Department-authorized representatives must have official  
13 identification, training, and administrative capacity to fulfill their  
14 responsibilities under this section.

15 (4) Within two years of the effective date of this section, the  
16 department must provide the legislature with recommendations for a fee  
17 schedule that department-authorized representatives may charge users  
18 whose aquatic conveyances receive inspection and decontamination  
19 services.

20 NEW SECTION. **Sec. 119.** (1) The department may enter upon a  
21 property or water body at any reasonable time for the purpose of  
22 administering this chapter, including inspecting and decontaminating  
23 aquatic conveyances, collecting invasive species samples, implementing  
24 rapid response management actions or infested site management actions,  
25 and containing, controlling, or eradicating invasive species.

26 (2) Prior to entering the property or water body, the department  
27 shall make a reasonable attempt to notify the owner of the property or  
28 water body as to the purpose and need for the entry. Should the  
29 department be denied access to any property or water body where access  
30 is sought for the purposes set forth in this chapter, the department  
31 may apply to any court of competent jurisdiction for a warrant  
32 authorizing access to the property.

33 (3) Upon such an application, the court may issue the warrant for  
34 the purposes requested where the court finds reasonable cause to  
35 believe it is necessary to achieve the purposes of this chapter.



1 (2) Unless the context clearly requires otherwise, the definitions  
2 in both RCW 77.08.010 and section 102 of this act apply throughout this  
3 section.

4 NEW SECTION. **Sec. 202.** A new section is added to chapter 77.15  
5 RCW to read as follows:

6 (1) Upon a showing of probable cause that there has been a  
7 violation of an invasive species law of the state of Washington, or  
8 upon a showing of probable cause to believe that evidence of such a  
9 violation may be found at a place, a court must issue a search warrant  
10 or arrest warrant. Fish and wildlife officers or ex officio fish and  
11 wildlife officers may execute any such search or arrest warrant  
12 reasonably necessary to carry out their duties under this title with  
13 regard to an invasive species law and may seize invasive species or any  
14 evidence of a crime and the fruits or instrumentalities of a crime as  
15 provided by warrant. The court may have property opened or entered and  
16 the contents examined.

17 (2) Seizure of property as evidence of a crime does not preclude  
18 seizure of the property for forfeiture as authorized by law.

19 NEW SECTION. **Sec. 203.** A new section is added to chapter 77.15  
20 RCW to read as follows:

21 (1) Upon a showing of probable cause that a water body or property  
22 has an invasive species in or on it, and the owner refuses permission  
23 to allow inspection of the water body or property, a court in the  
24 county in which the water body or property is located may, upon the  
25 request of the director or the director's designee, issue a warrant to  
26 the director or the director's designee authorizing the taking of  
27 specimens of invasive species, general inspection of the property or  
28 water body, and the performance of containment, eradication, or control  
29 work.

30 (2) Application for issuance, execution, and return of the warrant  
31 authorized by this section must be in accordance with the applicable  
32 rules of the superior courts or the district courts.

33 **Sec. 204.** RCW 77.15.160 and 2013 c 307 s 2 are each amended to  
34 read as follows:

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

3 (1) Fishing and shellfishing infractions:

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

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

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

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

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

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

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

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

26 (ii) In violation of any rule of the department or the department  
27 of natural resources regarding seasons, closed areas, closed times, or  
28 any other rule addressing the manner or method of taking, possessing,  
29 or harvesting of seaweed.

30 (f) Unclassified fish or shellfish: Taking unclassified fish or  
31 shellfish in violation of any department rule by killing, fishing,  
32 taking, holding, possessing, or maliciously injuring or harming fish or  
33 shellfish that is not classified as game fish, food fish, shellfish,  
34 protected fish, or endangered fish.

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

38 (2) Hunting infractions:

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

5 (b) Unclassified wildlife: Taking unclassified wildlife in  
6 violation of any department rule by killing, hunting, taking, holding,  
7 possessing, or maliciously injuring or harming wildlife that is not  
8 classified as big game, game animals, game birds, protected wildlife,  
9 or endangered wildlife.

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

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

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

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

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

24 (3) Trapping, taxidermy, fur dealing, and wildlife meat cutting  
25 infractions:

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

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

30 (ii) Report information from these records as required by  
31 department rule.

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

34 ~~(4) ((Aquatic invasive species infraction: Entering Washington by  
35 road and transporting a recreational or commercial watercraft that has  
36 been used outside of Washington without meeting documentation  
37 requirements as provided under RCW 77.12.879.)) (a) Invasive species  
38 management infractions:~~



1 (i) Out-of-state certification: Entering Washington in possession  
2 of an aquatic conveyance that does not meet certificate of inspection  
3 requirements as provided under section 112 of this act;

4 (ii) Clean and drain requirements: Possessing an aquatic  
5 conveyance that does not meet clean and drain requirements under  
6 section 113 of this act;

7 (iii) Clean and drain orders: Possessing an aquatic conveyance and  
8 failing to obey a clean and drain order under section 113 or 114 of  
9 this act; and

10 (iv) Transporting aquatic plants: Transporting aquatic plants on  
11 any state or public road, including forest roads. However, this  
12 subsection does not apply to plants that are:

13 (A) Being transported to the department or to another destination  
14 designated by the director, in a manner designated by the department,  
15 for purposes of identifying a species or reporting the presence of a  
16 species;

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

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

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

24 (E) Being transported in such a way as the commission may otherwise  
25 prescribe.

26 (b) Unless the context clearly requires otherwise, the definitions  
27 in both RCW 77.08.010 and section 102 of this act apply throughout this  
28 subsection (4).

29 (5) Other infractions:

30 (a) Contests: Conducting, holding, or sponsoring a hunting  
31 contest, a fishing contest involving game fish, or a competitive field  
32 trial using live wildlife.

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

35 (c) Posting signs: Posting signs preventing hunting or fishing on  
36 any land not owned or leased by the person doing the posting, or  
37 without the permission of the person who owns, leases, or controls the  
38 land posted.

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

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

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

7 ~~((e) Transporting aquatic plants: Transporting aquatic plants on  
8 any state or public road, including forest roads. However:~~

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

10 ~~(A) Being transported to the department or to another destination  
11 designated by the director, in a manner designated by the department,  
12 for purposes of identifying a species or reporting the presence of a  
13 species;~~

14 ~~(B) Legally obtained for aquarium use, wetland or lakeshore  
15 restoration, or ornamental purposes;~~

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

18 ~~(D) Being transported in a manner that prevents their unintentional  
19 dispersal, to a suitable location for disposal, research, or  
20 educational purposes; or~~

21 ~~(E) Being transported in such a way as the commission may otherwise  
22 prescribe; and~~

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

24 ~~(A) Is stopped at an aquatic invasive species check station and  
25 possesses a recreational or commercial watercraft that is contaminated  
26 with an aquatic invasive plant species if that person complies with all  
27 department directives for the proper decontamination of the watercraft  
28 and equipment; or~~

29 ~~(B) Has voluntarily submitted a recreational or commercial  
30 watercraft for inspection by the department or its designee and has  
31 received a receipt verifying that the watercraft has not been  
32 contaminated since its last use.))~~

33 NEW SECTION. **Sec. 205.** A new section is added to chapter 77.15  
34 RCW to read as follows:

35 (1) A person is guilty of unlawful use of invasive species in the  
36 second degree if the person:

1 (a) Fails to stop at a mandatory check station or to return to the  
2 mandatory check station for inspection if directed to do so by a fish  
3 and wildlife officer or ex officio fish and wildlife officer;

4 (b) Fails to allow an aquatic conveyance stopped at a mandatory  
5 check station to be inspected for clean and drain requirements or  
6 aquatic invasive species;

7 (c) Fails to comply with a decontamination order;

8 (d) Possesses, except in the case of trafficking, a prohibited  
9 level 1 or level 2 species without department authorization, a permit,  
10 or as otherwise provided by rule;

11 (e) Possesses, introduces on or into a water body or property, or  
12 traffics in a prohibited level 3 species without department  
13 authorization, a permit, or as otherwise provided by rule;

14 (f) Introduces on or into a water body or property a regulated type  
15 A, type B, or type C species without department authorization, a  
16 permit, or as otherwise provided by rule;

17 (g) Fails to readily and clearly identify in writing by taxonomic  
18 species name or subspecies name a regulated type B species used for  
19 commercial purposes; or

20 (h) Knowingly violates a quarantine declaration under section 107  
21 of this act.

22 (2) A violation of subsection (1) of this section is a gross  
23 misdemeanor. In addition to criminal penalties, a court may order the  
24 person to pay all costs in capturing, killing, or controlling the  
25 invasive species, including its progeny. This subsection does not  
26 affect the authority of the department to bring a separate civil action  
27 to recover habitat restoration costs necessitated by the person's  
28 unlawful use of invasive species.

29 (3) This section does not apply to:

30 (a) A person who complies with the department directives pursuant  
31 to section 114 of this act for mandatory check stations. Such a person  
32 is exempt from criminal penalties under this section or section 206 of  
33 this act, and forfeiture under this chapter, unless the person has a  
34 prior conviction under those sections within the past five years;

35 (b) A person who possesses an aquatic invasive species, if the  
36 person is in the process of:

37 (i) Removing it from the aquatic conveyance in a manner specified  
38 by the department; or

1 (ii) Releasing it if caught while fishing and immediately returning  
2 it to the water body from which it came;

3 (c) Possessing or introducing nonnative aquatic animal species by  
4 ballast water held or discharged by vessels regulated under chapter  
5 77.120 RCW; or

6 (d) Possessing or introducing nonnative aquatic animal species  
7 through private sector shellfish aquaculture operations, transfers, or  
8 conveyances regulated under chapter 77.115 RCW.

9 (4) Unless the context clearly requires otherwise, the definitions  
10 in both RCW 77.08.010 and section 102 of this act apply throughout this  
11 section.

12 NEW SECTION. **Sec. 206.** A new section is added to chapter 77.15  
13 RCW to read as follows:

14 (1) A person is guilty of unlawful use of invasive species in the  
15 first degree if the person:

16 (a) Traffics or introduces on or into a water body or property a  
17 prohibited level 1 or level 2 species without department authorization,  
18 a permit, or as otherwise provided by rule; or

19 (b) Commits a subsequent violation of unlawful use of invasive  
20 species in the second degree within five years of the date of a prior  
21 conviction under section 205 of this act.

22 (2) A violation of this section is a class C felony. In addition  
23 to criminal penalties, a court may order the person to pay all costs in  
24 managing the invasive species, including the species' progeny. This  
25 subsection does not affect the authority of the department to bring a  
26 separate civil action to recover habitat restoration costs necessitated  
27 by the person's unlawful use of invasive species.

28 (3) This section does not apply to:

29 (a) A person who complies with department directives pursuant to  
30 section 114 of this act for mandatory check stations, and who is exempt  
31 from criminal penalties under this section and forfeiture under this  
32 chapter, unless the person has a prior conviction under this section or  
33 section 205 of this act within the past five years; or

34 (b) A person who possesses an aquatic invasive species, if the  
35 person is in the process of:

36 (i) Removing it from the aquatic conveyance in a manner specified  
37 by the department; or

1 (ii) Releasing it if caught while fishing and is immediately  
2 returning it to the water body from which it came.

3 (4) Unless the context clearly requires otherwise, the definitions  
4 in both RCW 77.08.010 and section 102 of this act apply throughout this  
5 section.

6 **PART 3**

7 **INVASIVE SPECIES--OTHER PROVISIONS**

8 **Sec. 301.** RCW 77.08.010 and 2012 c 176 s 4 are each reenacted and  
9 amended to read as follows:

10 The definitions in this section apply throughout this title or  
11 rules adopted under this title unless the context clearly requires  
12 otherwise.

13 (1) "Anadromous game fish buyer" means a person who purchases or  
14 sells steelhead trout and other anadromous game fish harvested by  
15 Indian fishers lawfully exercising fishing rights reserved by federal  
16 statute, treaty, or executive order, under conditions prescribed by  
17 rule of the director.

18 (2) "Angling gear" means a line attached to a rod and reel capable  
19 of being held in hand while landing the fish or a hand-held line  
20 operated without rod or reel.

21 ~~(3) ("Aquatic invasive species" means any invasive, prohibited,~~  
22 ~~regulated, unregulated, or unlisted aquatic animal or plant species as~~  
23 ~~defined under subsections (4), (34), (49), (53), (70), and (71) of this~~  
24 ~~section, aquatic noxious weeds as defined under RCW 17.26.020(5)(c),~~  
25 ~~and aquatic nuisance species as defined under RCW 77.60.130(1).~~

26 ~~(4) "Aquatic plant species" means an emergent, submersed, partially~~  
27 ~~submersed, free floating, or floating leaving plant species that grows~~  
28 ~~in or near a body of water or wetland.~~

29 ~~(5))~~ "Bag limit" means the maximum number of game animals, game  
30 birds, or game fish which may be taken, caught, killed, or possessed by  
31 a person, as specified by rule of the commission for a particular  
32 period of time, or as to size, sex, or species.

33 ~~((6))~~ (4) "Building" means a private domicile, garage, barn, or  
34 public or commercial building.

35 ~~((7))~~ (5) "Closed area" means a place where the hunting of some  
36 or all species of wild animals or wild birds is prohibited.

1        ~~((+8))~~ (6) "Closed season" means all times, manners of taking, and  
2 places or waters other than those established by rule of the commission  
3 as an open season. "Closed season" also means all hunting, fishing,  
4 taking, or possession of game animals, game birds, game fish, food  
5 fish, or shellfish that do not conform to the special restrictions or  
6 physical descriptions established by rule of the commission as an open  
7 season or that have not otherwise been deemed legal to hunt, fish,  
8 take, harvest, or possess by rule of the commission as an open season.

9        ~~((+9))~~ (7) "Closed waters" means all or part of a lake, river,  
10 stream, or other body of water, where fishing or harvesting is  
11 prohibited.

12        ~~((+10))~~ (8) "Commercial" means related to or connected with  
13 buying, selling, or bartering.

14        ~~((+11))~~ (9) "Commission" means the state fish and wildlife  
15 commission.

16        ~~((+12))~~ (10) "Concurrent waters of the Columbia river" means those  
17 waters of the Columbia river that coincide with the Washington-Oregon  
18 state boundary.

19        ~~((+13))~~ (11) "Contraband" means any property that is unlawful to  
20 produce or possess.

21        ~~((+14))~~ (12) "Deleterious exotic wildlife" means species of the  
22 animal kingdom not native to Washington and designated as dangerous to  
23 the environment or wildlife of the state.

24        ~~((+15))~~ (13) "Department" means the department of fish and  
25 wildlife.

26        ~~((+16))~~ (14) "Director" means the director of fish and wildlife.

27        ~~((+17))~~ (15) "Endangered species" means wildlife designated by the  
28 commission as seriously threatened with extinction.

29        ~~((+18))~~ (16) "Ex officio fish and wildlife officer" means:

30        (a) A commissioned officer of a municipal, county, or state agency  
31 having as its primary function the enforcement of criminal laws in  
32 general, while the officer is acting in the respective jurisdiction of  
33 that agency;

34        (b) An officer or special agent commissioned by one of the  
35 following: The national marine fisheries service; the Washington state  
36 parks and recreation commission; the United States fish and wildlife  
37 service; the Washington state department of natural resources; the  
38 United States forest service; or the United States parks service, if

1 the agent or officer is in the respective jurisdiction of the primary  
2 commissioning agency and is acting under a mutual law enforcement  
3 assistance agreement between the department and the primary  
4 commissioning agency;

5 (c) A commissioned fish and wildlife peace officer from another  
6 state who meets the training standards set by the Washington state  
7 criminal justice training commission pursuant to RCW 10.93.090,  
8 43.101.080, and 43.101.200, and who is acting under a mutual law  
9 enforcement assistance agreement between the department and the primary  
10 commissioning agency; or

11 (d) A Washington state tribal police officer who successfully  
12 completes the requirements set forth under RCW 43.101.157, is employed  
13 by a tribal nation that has complied with RCW 10.92.020(2) (a) and (b),  
14 and is acting under a mutual law enforcement assistance agreement  
15 between the department and the tribal government.

16 (~~(19)~~) (17) "Fish" includes all species classified as game fish  
17 or food fish by statute or rule, as well as all fin fish not currently  
18 classified as food fish or game fish if such species exist in state  
19 waters. The term "fish" includes all stages of development and the  
20 bodily parts of fish species.

21 (~~(20)~~) (18) "Fish and wildlife officer" means a person appointed  
22 and commissioned by the director, with authority to enforce this title  
23 and rules adopted pursuant to this title, and other statutes as  
24 prescribed by the legislature. Fish and wildlife officer includes a  
25 person commissioned before June 11, 1998, as a wildlife agent or a  
26 fisheries patrol officer.

27 (~~(21)~~) (19) "Fish broker" means a person whose business it is to  
28 bring a seller of fish and shellfish and a purchaser of those fish and  
29 shellfish together.

30 (~~(22)~~) (20) "Fish buyer" means a person engaged by a wholesale  
31 fish dealer to purchase food fish or shellfish from a licensed  
32 commercial fisher.

33 (~~(23)~~) (21) "Fishery" means the taking of one or more particular  
34 species of fish or shellfish with particular gear in a particular  
35 geographical area.

36 (~~(24)~~) (22) "Food, food waste, or other substance" includes human  
37 and pet food or other waste or garbage that could attract large wild  
38 carnivores.

1           ~~((+25+))~~ (23) "Freshwater" means all waters not defined as  
2 saltwater including, but not limited to, rivers upstream of the river  
3 mouth, lakes, ponds, and reservoirs.

4           ~~((+26+))~~ (24) "Fur-bearing animals" means game animals that shall  
5 not be trapped except as authorized by the commission.

6           ~~((+27+))~~ (25) "Fur dealer" means a person who purchases, receives,  
7 or resells raw furs for commercial purposes.

8           ~~((+28+))~~ (26) "Game animals" means wild animals that shall not be  
9 hunted except as authorized by the commission.

10          ~~((+29+))~~ (27) "Game birds" means wild birds that shall not be  
11 hunted except as authorized by the commission.

12          ~~((+30+))~~ (28) "Game farm" means property on which wildlife is held,  
13 confined, propagated, hatched, fed, or otherwise raised for commercial  
14 purposes, trade, or gift. The term "game farm" does not include  
15 publicly owned facilities.

16          ~~((+31+))~~ (29) "Game reserve" means a closed area where hunting for  
17 all wild animals and wild birds is prohibited.

18          ~~((+32+))~~ (30) "Illegal items" means those items unlawful to be  
19 possessed.

20          ~~((+33+))~~ (31)(a) "Intentionally feed, attempt to feed, or attract"  
21 means to purposefully or knowingly provide, leave, or place in, on, or  
22 about any land or building any food, food waste, or other substance  
23 that attracts or could attract large wild carnivores to that land or  
24 building.

25          (b) "Intentionally feed, attempt to feed, or attract" does not  
26 include keeping food, food waste, or other substance in an enclosed  
27 garbage receptacle or other enclosed container unless specifically  
28 directed by a fish and wildlife officer or animal control authority to  
29 secure the receptacle or container in another manner.

30          ~~((+34)-"Invasive species"-means-a-plant-species-or-a-nonnative  
31 animal-species-that-either:~~

32          ~~(a) Causes or may cause displacement of, or otherwise threatens,  
33 native species in their natural communities;~~

34          ~~(b) Threatens or may threaten natural resources or their use in the  
35 state;~~

36          ~~(c) - Causes - or - may - cause - economic - damage - to - commercial - or  
37 recreational activities that are dependent upon state waters; or~~

38          ~~(d) Threatens or harms human health.~~



1       ~~(35)~~) (32) "Large wild carnivore" includes wild bear, cougar, and  
2 wolf.

3       ~~((36))~~) (33) "License year" means the period of time for which a  
4 recreational license is valid. The license year begins April 1st, and  
5 ends March 31st.

6       ~~((37))~~) (34) "Limited-entry license" means a license subject to a  
7 license limitation program established in chapter 77.70 RCW.

8       ~~((38))~~) (35) "Money" means all currency, script, personal checks,  
9 money orders, or other negotiable instruments.

10       ~~((39))~~) (36) "Natural person" means a human being.

11       ~~((40))~~) (37)(a) "Negligently feed, attempt to feed, or attract"  
12 means to provide, leave, or place in, on, or about any land or building  
13 any food, food waste, or other substance that attracts or could attract  
14 large wild carnivores to that land or building, without the awareness  
15 that a reasonable person in the same situation would have with regard  
16 to the likelihood that the food, food waste, or other substance could  
17 attract large wild carnivores to the land or building.

18       (b) "Negligently feed, attempt to feed, or attract" does not  
19 include keeping food, food waste, or other substance in an enclosed  
20 garbage receptacle or other enclosed container unless specifically  
21 directed by a fish and wildlife officer or animal control authority to  
22 secure the receptacle or container in another manner.

23       ~~((41))~~) (38) "Nonresident" means a person who has not fulfilled  
24 the qualifications of a resident.

25       ~~((42))~~) (39) "Offshore waters" means marine waters of the Pacific  
26 Ocean outside the territorial boundaries of the state, including the  
27 marine waters of other states and countries.

28       ~~((43))~~) (40) "Open season" means those times, manners of taking,  
29 and places or waters established by rule of the commission for the  
30 lawful hunting, fishing, taking, or possession of game animals, game  
31 birds, game fish, food fish, or shellfish that conform to the special  
32 restrictions or physical descriptions established by rule of the  
33 commission or that have otherwise been deemed legal to hunt, fish,  
34 take, harvest, or possess by rule of the commission. "Open season"  
35 includes the first and last days of the established time.

36       ~~((44))~~) (41) "Owner" means the person in whom is vested the  
37 ownership dominion, or title of the property.

1        ~~((45))~~ (42) "Person" means and includes an individual; a  
2 corporation; a public or private entity or organization; a local,  
3 state, or federal agency; all business organizations, including  
4 corporations and partnerships; or a group of two or more individuals  
5 acting with a common purpose whether acting in an individual,  
6 representative, or official capacity.

7        ~~((46))~~ (43) "Personal property" or "property" includes both  
8 corporeal and incorporeal personal property and includes, among other  
9 property, contraband and money.

10       ~~((47))~~ (44) "Personal use" means for the private use of the  
11 individual taking the fish or shellfish and not for sale or barter.

12       ~~((48))~~ (45) "Predatory birds" means wild birds that may be hunted  
13 throughout the year as authorized by the commission.

14       ~~((49) - "Prohibited - aquatic - animal - species" - means - an - invasive  
15 species of the animal kingdom that has been classified as a prohibited  
16 aquatic animal species by the commission.~~

17       ~~(50))~~ (46) "Protected wildlife" means wildlife designated by the  
18 commission that shall not be hunted or fished.

19       ~~((51))~~ (47) "Raffle" means an activity in which tickets bearing  
20 an individual number are sold for not more than twenty-five dollars  
21 each and in which a permit or permits are awarded to hunt or for access  
22 to hunt big game animals or wild turkeys on the basis of a drawing from  
23 the tickets by the person or persons conducting the raffle.

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

27       ~~(53) - "Regulated - aquatic - animal - species" - means - a - potentially  
28 invasive species of the animal kingdom that has been classified as a  
29 regulated aquatic animal species by the commission.~~

30       ~~(54))~~ (48) "Resident" has the same meaning as defined in RCW  
31 77.08.075.

32       ~~((55))~~ (49) "Retail-eligible species" means commercially  
33 harvested salmon, crab, and sturgeon.

34       ~~((56))~~ (50) "Saltwater" means those marine waters seaward of  
35 river mouths.

36       ~~((57))~~ (51) "Seaweed" means marine aquatic plant species that are  
37 dependent upon the marine aquatic or tidal environment, and exist in

1 either an attached or free floating form, and includes but is not  
2 limited to marine aquatic plants in the classes Chlorophyta,  
3 Phaeophyta, and Rhodophyta.

4 ~~((+58+))~~ (52) "Senior" means a person seventy years old or older.

5 ~~((+59+))~~ (53) "Shark fin" means a raw, dried, or otherwise  
6 processed detached fin or tail of a shark.

7 ~~((+60+))~~ (54)(a) "Shark fin derivative product" means any product  
8 intended for use by humans or animals that is derived in whole or in  
9 part from shark fins or shark fin cartilage.

10 (b) "Shark fin derivative product" does not include a drug approved  
11 by the United States food and drug administration and available by  
12 prescription only or medical device or vaccine approved by the United  
13 States food and drug administration.

14 ~~((+61+))~~ (55) "Shellfish" means those species of marine and  
15 freshwater invertebrates that have been classified and that shall not  
16 be taken except as authorized by rule of the commission. The term  
17 "shellfish" includes all stages of development and the bodily parts of  
18 shellfish species.

19 ~~((+62+))~~ (56) "State waters" means all marine waters and fresh  
20 waters within ordinary high water lines and within the territorial  
21 boundaries of the state.

22 ~~((+63+))~~ (57) "Taxidermist" means a person who, for commercial  
23 purposes, creates lifelike representations of fish and wildlife using  
24 fish and wildlife parts and various supporting structures.

25 ~~((+64+))~~ (58) "To fish," "to harvest," and "to take," and their  
26 derivatives means an effort to kill, injure, harass, or catch a fish or  
27 shellfish.

28 ~~((+65+))~~ (59) "To hunt" and its derivatives means an effort to  
29 kill, injure, capture, or harass a wild animal or wild bird.

30 ~~((+66+))~~ (60) "To process" and its derivatives mean preparing or  
31 preserving fish, wildlife, or shellfish.

32 ~~((+67+))~~ (61) "To trap" and its derivatives means a method of  
33 hunting using devices to capture wild animals or wild birds.

34 ~~((+68+))~~ (62) "Trafficking" means offering, attempting to engage,  
35 or engaging in sale, barter, or purchase of fish, shellfish, wildlife,  
36 or deleterious exotic wildlife.

37 ~~((+69+))~~ (63) "Unclaimed" means that no owner of the property has  
38 been identified or has requested, in writing, the release of the

1 property to themselves nor has the owner of the property designated an  
2 individual to receive the property or paid the required postage to  
3 effect delivery of the property.

4 ~~((70)) "Unlisted aquatic animal species" means a nonnative animal  
5 species that has not been classified as a prohibited aquatic animal  
6 species, a regulated aquatic animal species, or an unregulated aquatic  
7 animal species by the commission.~~

8 ~~(71) "Unregulated aquatic animal species" means a nonnative animal  
9 species that has been classified as an unregulated aquatic animal  
10 species by the commission.~~

11 ~~(72))~~ (64) "Wholesale fish dealer" means a person who, acting for  
12 commercial purposes, takes possession or ownership of fish or shellfish  
13 and sells, barter, or exchanges or attempts to sell, barter, or  
14 exchange fish or shellfish that have been landed into the state of  
15 Washington or entered the state of Washington in interstate or foreign  
16 commerce.

17 ~~((73))~~ (65) "Wild animals" means those species of the class  
18 Mammalia whose members exist in Washington in a wild state. The term  
19 "wild animal" does not include feral domestic mammals or old world rats  
20 and mice of the family Muridae of the order Rodentia.

21 ~~((74))~~ (66) "Wild birds" means those species of the class Aves  
22 whose members exist in Washington in a wild state.

23 ~~((75))~~ (67) "Wildlife" means all species of the animal kingdom  
24 whose members exist in Washington in a wild state. This includes but  
25 is not limited to mammals, birds, reptiles, amphibians, fish, and  
26 invertebrates. The term "wildlife" does not include feral domestic  
27 mammals, old world rats and mice of the family Muridae of the order  
28 Rodentia, or those fish, shellfish, and marine invertebrates classified  
29 as food fish or shellfish by the director. The term "wildlife"  
30 includes all stages of development and the bodily parts of wildlife  
31 members.

32 ~~((76))~~ (68) "Wildlife meat cutter" means a person who packs,  
33 cuts, processes, or stores wildlife for consumption for another for  
34 commercial purposes.

35 ~~((77))~~ (69) "Youth" means a person fifteen years old for fishing  
36 and under sixteen years old for hunting.

1           **Sec. 302.** RCW 77.12.020 and 2002 c 281 s 3 are each amended to  
2 read as follows:

3           (1) The director shall investigate the habits and distribution of  
4 the various species of wildlife native to or adaptable to the habitats  
5 of the state. The commission shall determine whether a species should  
6 be managed by the department and, if so, classify it under this  
7 section.

8           (2) The commission may classify by rule wild animals as game  
9 animals and game animals as fur-bearing animals.

10           (3) The commission may classify by rule wild birds as game birds or  
11 predatory birds. All wild birds not otherwise classified are protected  
12 wildlife.

13           (4) In addition to those species listed in RCW 77.08.020, the  
14 commission may classify by rule as game fish other species of the class  
15 Osteichthyes that are commonly found in freshwater except those  
16 classified as food fish by the director.

17           (5) The director may recommend to the commission that a species of  
18 wildlife should not be hunted or fished. The commission may designate  
19 species of wildlife as protected.

20           (6) If the director determines that a species of wildlife is  
21 seriously threatened with extinction in the state of Washington, the  
22 director may request its designation as an endangered species. The  
23 commission may designate an endangered species.

24           (7) If the director determines that a species of the animal  
25 kingdom, not native to Washington, is dangerous to the environment or  
26 wildlife of the state, the director may request its designation as  
27 deleterious exotic wildlife. The commission may designate deleterious  
28 exotic wildlife.

29           (8) ~~((Upon recommendation by the director, the commission may  
30 classify nonnative aquatic animal species according to the following  
31 categories:~~

32           ~~(a) Prohibited aquatic animal species:—These species are  
33 considered by the commission to have a high risk of becoming an  
34 invasive species and may not be possessed, imported, purchased, sold,  
35 propagated, transported, or released into state waters except as  
36 provided in RCW 77.15.253;~~

37           ~~(b) Regulated aquatic animal species:—These species are considered  
38 by the commission to have some beneficial use along with a moderate,~~

1 ~~but manageable risk of becoming an invasive species, and may not be~~  
2 ~~released into state waters, except as provided in RCW 77.15.253. The~~  
3 ~~commission shall classify the following commercial aquaculture species~~  
4 ~~as regulated aquatic animal species, and allow their release into state~~  
5 ~~waters pursuant to rule of the commission: Pacific oyster (Crassostrea~~  
6 ~~gigas), kumamoto oyster (Crassostrea sikamea), European flat oyster~~  
7 ~~(Ostrea edulis), eastern oyster (Crassostrea virginica), manila clam~~  
8 ~~(Tapes philippinarum), blue mussel (Mytilus galloprovincialis), and~~  
9 ~~suminoe oyster (Crassostrea ariankensis);~~

10 ~~(c) Unregulated aquatic animal species: These species are~~  
11 ~~considered by the commission as having some beneficial use along with~~  
12 ~~a low risk of becoming an invasive species, and are not subject to~~  
13 ~~regulation under this title;~~

14 ~~(d) Unlisted aquatic animal species: These species are not~~  
15 ~~designated as a prohibited aquatic animal species, regulated aquatic~~  
16 ~~animal species, or unregulated aquatic animal species by the~~  
17 ~~commission, and may not be released into state waters. Upon request,~~  
18 ~~the commission may determine the appropriate category for an unlisted~~  
19 ~~aquatic animal species and classify the species accordingly;~~

20 ~~(e) This subsection (8) does not apply to the transportation or~~  
21 ~~release of nonnative aquatic animal species by ballast water or ballast~~  
22 ~~water discharge.~~

23 ~~(9))~~ Upon recommendation by the director, the commission may  
24 develop a work plan to eradicate native aquatic species that threaten  
25 human health. Priority shall be given to water bodies that the  
26 department of health has classified as representing a threat to human  
27 health based on the presence of a native aquatic species.

28 **Sec. 303.** RCW 77.15.080 and 2012 c 176 s 9 are each amended to  
29 read as follows:

30 ~~((1))~~ Based upon articulable facts that a person is engaged in  
31 fishing, harvesting, or hunting activities, fish and wildlife officers  
32 and ex officio fish and wildlife officers have the authority to  
33 temporarily stop the person and check for valid licenses, tags,  
34 permits, stamps, or catch record cards, and to inspect all fish,  
35 shellfish, seaweed, and wildlife in possession as well as the equipment  
36 being used to ensure compliance with the requirements of this title.  
37 Fish and wildlife officers and ex officio fish and wildlife officers

1 also may request that the person write his or her signature for  
2 comparison with the signature on his or her fishing, harvesting, or  
3 hunting license. Failure to comply with the request is prima facie  
4 evidence that the person is not the person named on the license. Fish  
5 and wildlife officers may require the person, if age sixteen or older,  
6 to exhibit a driver's license or other photo identification.

7 ~~((2) Based upon articulable facts that a person is transporting a  
8 prohibited aquatic animal species or any aquatic plant, fish and  
9 wildlife officers and ex officio fish and wildlife officers have the  
10 authority to temporarily stop the person and inspect the watercraft to  
11 ensure that the watercraft and associated equipment are not  
12 transporting prohibited aquatic animal species or aquatic plants.))~~

13 **Sec. 304.** RCW 77.15.290 and 2012 c 176 s 21 are each amended to  
14 read as follows:

15 (1) A person is guilty of unlawful transportation of fish or  
16 wildlife in the second degree if the person:

17 (a) Knowingly imports, moves within the state, or exports fish,  
18 shellfish, or wildlife in violation of any department rule governing  
19 the transportation or movement of fish, shellfish, or wildlife and the  
20 transportation does not involve big game, endangered fish or wildlife,  
21 deleterious exotic wildlife, or fish, shellfish, or wildlife having a  
22 value greater than two hundred fifty dollars; or

23 (b) Possesses but fails to affix or notch a big game transport tag  
24 as required by department rule.

25 (2) A person is guilty of unlawful transportation of fish or  
26 wildlife in the first degree if the person:

27 (a) Knowingly imports, moves within the state, or exports fish,  
28 shellfish, or wildlife in violation of any department rule governing  
29 the transportation or movement of fish, shellfish, or wildlife and the  
30 transportation involves big game, endangered fish or wildlife,  
31 deleterious exotic wildlife, or fish, shellfish, or wildlife with a  
32 value of two hundred fifty dollars or more; or

33 (b) Knowingly transports shellfish, shellstock, or equipment used  
34 in commercial culturing, taking, handling, or processing shellfish  
35 without a permit required by authority of this title.

36 (3)(a) Unlawful transportation of fish or wildlife in the second  
37 degree is a misdemeanor.

1 (b) Unlawful transportation of fish or wildlife in the first degree  
2 is a gross misdemeanor.

3 (4) This section does not apply to(~~(a) Any person stopped at an~~  
4 ~~aquatic))~~ invasive species (~~(check station who possesses a recreational~~  
5 ~~or commercial watercraft that is contaminated with an aquatic invasive~~  
6 ~~species if that person complies with all department directives for the~~  
7 ~~proper decontamination of the watercraft and equipment; or (b) any~~  
8 ~~person who has voluntarily submitted a recreational or commercial~~  
9 ~~watercraft for inspection by the department or its designee and has~~  
10 ~~received a receipt verifying that the watercraft has not been~~  
11 ~~contaminated since its last use)).~~

12 **Sec. 305.** RCW 43.06.010 and 1994 c 223 s 3 are each amended to  
13 read as follows:

14 In addition to those prescribed by the Constitution, the governor  
15 may exercise the powers and perform the duties prescribed in this and  
16 the following sections:

17 (1) The governor shall supervise the conduct of all executive and  
18 ministerial offices;

19 (2) The governor shall see that all offices are filled, including  
20 as provided in RCW 42.12.070, and the duties thereof performed, or in  
21 default thereof, apply such remedy as the law allows; and if the remedy  
22 is imperfect, acquaint the legislature therewith at its next session;

23 (3) The governor shall make the appointments and supply the  
24 vacancies mentioned in this title;

25 (4) The governor is the sole official organ of communication  
26 between the government of this state and the government of any other  
27 state or territory, or of the United States;

28 (5) Whenever any suit or legal proceeding is pending against this  
29 state, or which may affect the title of this state to any property, or  
30 which may result in any claim against the state, the governor may  
31 direct the attorney general to appear on behalf of the state, and  
32 report the same to the governor, or to any grand jury designated by the  
33 governor, or to the legislature when next in session;

34 (6) The governor may require the attorney general or any  
35 prosecuting attorney to inquire into the affairs or management of any  
36 corporation existing under the laws of this state, or doing business in



1 this state, and report the same to the governor, or to any grand jury  
2 designated by the governor, or to the legislature when next in session;

3 (7) The governor may require the attorney general to aid any  
4 prosecuting attorney in the discharge of the prosecutor's duties;

5 (8) The governor may offer rewards, not exceeding one thousand  
6 dollars in each case, payable out of the state treasury, for  
7 information leading to the apprehension of any person convicted of a  
8 felony who has escaped from a state correctional institution or for  
9 information leading to the arrest of any person who has committed or is  
10 charged with the commission of a felony;

11 (9) The governor shall perform such duties respecting fugitives  
12 from justice as are prescribed by law;

13 (10) The governor shall issue and transmit election proclamations  
14 as prescribed by law;

15 (11) The governor may require any officer or board to make, upon  
16 demand, special reports to the governor, in writing;

17 (12) The governor may, after finding that a public disorder,  
18 disaster, energy emergency, or riot exists within this state or any  
19 part thereof which affects life, health, property, or the public peace,  
20 proclaim a state of emergency in the area affected, and the powers  
21 granted the governor during a state of emergency shall be effective  
22 only within the area described in the proclamation;

23 (13) The governor may, after finding that there exists within this  
24 state an imminent danger of infestation of plant pests as defined in  
25 RCW 17.24.007 or plant diseases which seriously endangers the  
26 agricultural or horticultural industries of the state of Washington, or  
27 which seriously threatens life, health, or economic well-being, order  
28 emergency measures to prevent or abate the infestation or disease  
29 situation, which measures, after thorough evaluation of all other  
30 alternatives, may include the aerial application of pesticides;

31 (14) The governor, after finding that a prohibited level 1 or level  
32 2 species as defined in chapter 77.-- RCW (the new chapter created in  
33 section 122 of this act) has been detected and after finding that the  
34 detected species seriously endangers or threatens the environment,  
35 economy, human health, or well-being of the state of Washington, may  
36 order emergency measures to prevent or abate the prohibited species,  
37 which measures, after thorough evaluation of all other alternatives,  
38 may include the surface or aerial application of pesticides;

1       (15) On all compacts forwarded to the governor pursuant to RCW  
2 9.46.360(6), the governor is authorized and empowered to execute on  
3 behalf of the state compacts with federally recognized Indian tribes in  
4 the state of Washington pursuant to the federal Indian Gaming  
5 Regulatory Act, 25 U.S.C. Sec. 2701 et seq., for conducting class III  
6 gaming, as defined in the Act, on Indian lands.

7       **Sec. 306.** RCW 43.43.400 and 2011 c 171 s 8 are each amended to  
8 read as follows:

9       (1) ~~((The definitions in this subsection apply throughout this~~  
10 ~~section unless the context clearly requires otherwise:~~

11       ~~(a) "Aquatic invasive species" means any invasive, prohibited,~~  
12 ~~regulated, unregulated, or unlisted aquatic animal or plant species as~~  
13 ~~defined under RCW 77.08.010 [(3),] (28), (40), (44), (58), and (59),~~  
14 ~~aquatic noxious weeds as defined under RCW 17.26.020(5)(c), and aquatic~~  
15 ~~nuisance species as defined under RCW 77.60.130(1).~~

16       ~~(b) "Recreational and commercial watercraft" includes the boat, as~~  
17 ~~well as equipment used to transport the boat, and any auxiliary~~  
18 ~~equipment such as attached or detached outboard motors.~~

19       (2)) The aquatic invasive species enforcement account is created  
20 in the state treasury. Moneys directed to the account from RCW  
21 82.49.030 and 88.02.640 must be deposited in the account. Expenditures  
22 from the account may only be used as provided in this section. Moneys  
23 in the account may be spent only after appropriation.

24       ~~((3) Funds in the aquatic invasive species enforcement account may~~  
25 ~~be appropriated to the Washington state patrol and the department of~~  
26 ~~fish and wildlife to develop an aquatic invasive species enforcement~~  
27 ~~program for recreational and commercial watercraft, which includes~~  
28 ~~equipment used to transport the watercraft and auxiliary equipment such~~  
29 ~~as attached or detached outboard motors. Funds must be expended as~~  
30 ~~follows:~~

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

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

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

1       ~~(ii) Inspect or delegate inspection of recreational and commercial~~  
2 ~~watercraft. If the department conducts the inspection, there will be~~  
3 ~~no cost to the person requesting the inspection;~~

4       ~~(iii) Provide training to all department employees that are~~  
5 ~~deployed in the field to inspect recreational and commercial~~  
6 ~~watercraft; and~~

7       ~~(iv) Provide an inspection receipt verifying that the watercraft is~~  
8 ~~not contaminated after the watercraft has been inspected at a check~~  
9 ~~station or has been inspected at the request of the owner of the~~  
10 ~~recreational or commercial watercraft. The inspection receipt is valid~~  
11 ~~until the watercraft is used again.~~

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

17       (2) Expenditures from the account by the Washington state patrol  
18 may only be used to inspect for the presence of aquatic invasive  
19 species on aquatic conveyances that are required to stop at a  
20 Washington state patrol port of entry weigh station.

21       (3) Expenditures from the account by the department of fish and  
22 wildlife may only be used to develop and implement an: (a) Aquatic  
23 invasive species local management grant program; and (b) aquatic  
24 invasive species enforcement program including enforcement of chapter  
25 77.-- RCW (the new chapter created in section 122 of this act),  
26 enforcement of aquatic invasive species provisions in chapter 77.15  
27 RCW, and training Washington state patrol employees working at port of  
28 entry weigh stations on how to inspect aquatic conveyances for the  
29 presence of aquatic invasive species.

30       (4) Unless the context clearly requires otherwise, the definitions  
31 in both RCW 77.08.010 and section 102 of this act apply throughout this  
32 section.

33       **Sec. 307.** RCW 10.31.100 and 2013 2nd sp.s. c 35 s 22 are each  
34 amended to read as follows:

35       A police officer having probable cause to believe that a person has  
36 committed or is committing a felony shall have the authority to arrest  
37 the person without a warrant. A police officer may arrest a person

1 without a warrant for committing a misdemeanor or gross misdemeanor  
2 only when the offense is committed in the presence of the officer,  
3 except as provided in subsections (1) through (11) of this section.

4 (1) Any police officer having probable cause to believe that a  
5 person has committed or is committing a misdemeanor or gross  
6 misdemeanor, involving physical harm or threats of harm to any person  
7 or property or the unlawful taking of property or involving the use or  
8 possession of cannabis, or involving the acquisition, possession, or  
9 consumption of alcohol by a person under the age of twenty-one years  
10 under RCW 66.44.270, or involving criminal trespass under RCW 9A.52.070  
11 or 9A.52.080, shall have the authority to arrest the person.

12 (2) A police officer shall arrest and take into custody, pending  
13 release on bail, personal recognizance, or court order, a person  
14 without a warrant when the officer has probable cause to believe that:

15 (a) An order has been issued of which the person has knowledge  
16 under RCW 26.44.063, or chapter 7.92, 7.90, 9A.46, 10.99, 26.09, 26.10,  
17 26.26, 26.50, or 74.34 RCW restraining the person and the person has  
18 violated the terms of the order restraining the person from acts or  
19 threats of violence, or restraining the person from going onto the  
20 grounds of or entering a residence, workplace, school, or day care, or  
21 prohibiting the person from knowingly coming within, or knowingly  
22 remaining within, a specified distance of a location or, in the case of  
23 an order issued under RCW 26.44.063, imposing any other restrictions or  
24 conditions upon the person; or

25 (b) A foreign protection order, as defined in RCW 26.52.010, has  
26 been issued of which the person under restraint has knowledge and the  
27 person under restraint has violated a provision of the foreign  
28 protection order prohibiting the person under restraint from contacting  
29 or communicating with another person, or excluding the person under  
30 restraint from a residence, workplace, school, or day care, or  
31 prohibiting the person from knowingly coming within, or knowingly  
32 remaining within, a specified distance of a location, or a violation of  
33 any provision for which the foreign protection order specifically  
34 indicates that a violation will be a crime; or

35 (c) The person is sixteen years or older and within the preceding  
36 four hours has assaulted a family or household member as defined in RCW  
37 10.99.020 and the officer believes: (i) A felonious assault has  
38 occurred; (ii) an assault has occurred which has resulted in bodily

1 injury to the victim, whether the injury is observable by the  
2 responding officer or not; or (iii) that any physical action has  
3 occurred which was intended to cause another person reasonably to fear  
4 imminent serious bodily injury or death. Bodily injury means physical  
5 pain, illness, or an impairment of physical condition. When the  
6 officer has probable cause to believe that family or household members  
7 have assaulted each other, the officer is not required to arrest both  
8 persons. The officer shall arrest the person whom the officer believes  
9 to be the primary physical aggressor. In making this determination,  
10 the officer shall make every reasonable effort to consider: (i) The  
11 intent to protect victims of domestic violence under RCW 10.99.010;  
12 (ii) the comparative extent of injuries inflicted or serious threats  
13 creating fear of physical injury; and (iii) the history of domestic  
14 violence of each person involved, including whether the conduct was  
15 part of an ongoing pattern of abuse; or

16 (d) The person has violated RCW 46.61.502 or 46.61.504 or an  
17 equivalent local ordinance and the police officer has knowledge that  
18 the person has a prior offense as defined in RCW 46.61.5055 within ten  
19 years.

20 (3) Any police officer having probable cause to believe that a  
21 person has committed or is committing a violation of any of the  
22 following traffic laws shall have the authority to arrest the person:

23 (a) RCW 46.52.010, relating to duty on striking an unattended car  
24 or other property;

25 (b) RCW 46.52.020, relating to duty in case of injury to or death  
26 of a person or damage to an attended vehicle;

27 (c) RCW 46.61.500 or 46.61.530, relating to reckless driving or  
28 racing of vehicles;

29 (d) RCW 46.61.502 or 46.61.504, relating to persons under the  
30 influence of intoxicating liquor or drugs;

31 (e) RCW 46.61.503 or 46.25.110, relating to persons having alcohol  
32 or THC in their system;

33 (f) RCW 46.20.342, relating to driving a motor vehicle while  
34 operator's license is suspended or revoked;

35 (g) RCW 46.61.5249, relating to operating a motor vehicle in a  
36 negligent manner.

37 (4) A law enforcement officer investigating at the scene of a motor  
38 vehicle accident may arrest the driver of a motor vehicle involved in

1 the accident if the officer has probable cause to believe that the  
2 driver has committed in connection with the accident a violation of any  
3 traffic law or regulation.

4 (5)(a) A law enforcement officer investigating at the scene of a  
5 motor vessel accident may arrest the operator of a motor vessel  
6 involved in the accident if the officer has probable cause to believe  
7 that the operator has committed, in connection with the accident, a  
8 criminal violation of chapter 79A.60 RCW.

9 (b) A law enforcement officer investigating at the scene of a motor  
10 vessel accident may issue a citation for an infraction to the operator  
11 of a motor vessel involved in the accident if the officer has probable  
12 cause to believe that the operator has committed, in connection with  
13 the accident, a violation of any boating safety law of chapter 79A.60  
14 RCW.

15 (6) Any police officer having probable cause to believe that a  
16 person has committed or is committing a violation of RCW 79A.60.040  
17 shall have the authority to arrest the person.

18 (7) An officer may act upon the request of a law enforcement  
19 officer in whose presence a traffic infraction was committed, to stop,  
20 detain, arrest, or issue a notice of traffic infraction to the driver  
21 who is believed to have committed the infraction. The request by the  
22 witnessing officer shall give an officer the authority to take  
23 appropriate action under the laws of the state of Washington.

24 (8) Any police officer having probable cause to believe that a  
25 person has committed or is committing any act of indecent exposure, as  
26 defined in RCW 9A.88.010, may arrest the person.

27 (9) A police officer may arrest and take into custody, pending  
28 release on bail, personal recognizance, or court order, a person  
29 without a warrant when the officer has probable cause to believe that  
30 an order has been issued of which the person has knowledge under  
31 chapter 10.14 RCW and the person has violated the terms of that order.

32 (10) Any police officer having probable cause to believe that a  
33 person has, within twenty-four hours of the alleged violation,  
34 committed a violation of RCW 9A.50.020 may arrest such person.

35 (11) A police officer having probable cause to believe that a  
36 person illegally possesses or illegally has possessed a firearm or  
37 other dangerous weapon on private or public elementary or secondary  
38 school premises shall have the authority to arrest the person.

1 For purposes of this subsection, the term "firearm" has the meaning  
2 defined in RCW 9.41.010 and the term "dangerous weapon" has the meaning  
3 defined in RCW 9.41.250 and 9.41.280(1) (c) through (e).

4 (12) A law enforcement officer having probable cause to believe  
5 that a person has committed a violation under RCW 77.15.160(4) may  
6 issue a citation for an infraction to the person in connection with the  
7 violation.

8 (13) A law enforcement officer having probable cause to believe  
9 that a person has committed a criminal violation under section 205 or  
10 206 of this act may arrest the person in connection with the violation.

11 (14) Except as specifically provided in subsections (2), (3), (4),  
12 and (7) of this section, nothing in this section extends or otherwise  
13 affects the powers of arrest prescribed in Title 46 RCW.

14 ~~((13))~~ (15) No police officer may be held criminally or civilly  
15 liable for making an arrest pursuant to subsection (2) or (9) of this  
16 section if the police officer acts in good faith and without malice.

17 **Sec. 308.** RCW 77.15.360 and 2007 c 337 s 3 are each amended to  
18 read as follows:

19 (1) A person is guilty of unlawful interfering in department  
20 operations if the person prevents department employees from carrying  
21 out duties authorized by this title, including but not limited to  
22 interfering:

23 (a) In the operation of department vehicles, vessels, or aircraft;  
24 ~~((or))~~

25 (b) With the collection of samples of tissue, fluids, or other  
26 bodily parts of fish, wildlife, and shellfish under RCW 77.12.071; or

27 (c) With actions authorized by a warrant issued under section 119  
28 or 203 of this act.

29 (2) Unlawful interfering in department operations is a gross  
30 misdemeanor.

31 **Sec. 309.** RCW 82.49.030 and 2010 c 161 s 1045 are each amended to  
32 read as follows:

33 (1) The excise tax imposed under this chapter is due and payable to  
34 the department of licensing, county auditor or other agent, or subagent  
35 appointed by the director of the department of licensing at the time of

1 registration of a vessel. The department of licensing shall not issue  
2 or renew a registration for a vessel until the tax is paid in full.

3 (2) The excise tax collected under this chapter must be deposited  
4 ~~((in the general fund.))~~ as follows:

5 (a) For fiscal year 2015, ninety-six percent to the general fund  
6 and the remaining four percent to be distributed as specified in  
7 subsection (3) of this section;

8 (b) For fiscal year 2016, ninety-three percent to the general fund  
9 and the remaining seven percent to be distributed as specified in  
10 subsection (3) of this section; and

11 (c) For fiscal year 2017 and each fiscal year thereafter, ninety  
12 percent to the general fund and the remaining ten percent to be  
13 distributed as specified in subsection (3) of this section.

14 (3) The excise tax not deposited into the general fund in  
15 subsection (2) of this section must be distributed as follows:

16 (a) Sixty percent must be deposited into the aquatic invasive  
17 species prevention account established under RCW 77.12.879; and

18 (b) Forty percent must be deposited into the aquatic invasive  
19 species enforcement account established under RCW 43.43.400.

20 **Sec. 310.** RCW 77.12.879 and 2013 c 307 s 1 are each amended to  
21 read as follows:

22 (1) The aquatic invasive species prevention account is created in  
23 the state treasury. ~~((Moneys directed to the account from RCW~~  
24 ~~88.02.640(3)(a)(i) must be deposited in the account. Expenditures from~~  
25 ~~the account may only be used as provided in this section. Moneys in~~  
26 ~~the account may be spent only after appropriation.~~

27 ~~(2) Funds in the aquatic invasive species prevention account may be~~  
28 ~~appropriated to the department to develop an aquatic invasive species~~  
29 ~~prevention program for recreational and commercial watercraft. Funds~~  
30 ~~must be expended as follows:~~

31 ~~(a) To inspect recreational and commercial watercraft;~~

32 ~~(b) To educate general law enforcement officers on how to enforce~~  
33 ~~state laws relating to preventing the spread of aquatic invasive~~  
34 ~~species;~~

35 ~~(c) To evaluate and survey the risk posed by recreational and~~  
36 ~~commercial watercraft in spreading aquatic invasive species into~~  
37 ~~Washington state waters;~~



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

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

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

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

19       ~~(b) A person who enters Washington by road transporting any~~  
20 ~~commercial or recreational watercraft that has been used outside of~~  
21 ~~Washington must have in his or her possession documentation that the~~  
22 ~~watercraft is free of aquatic invasive species. The department must~~  
23 ~~develop and maintain rules to implement this subsection (3)(b),~~  
24 ~~including specifying allowable forms of documentation.~~

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

29       ~~(d) Any person stopped at a check station who possesses a~~  
30 ~~recreational or commercial watercraft that is contaminated with aquatic~~  
31 ~~invasive species, must bear the expense for any necessary impoundment,~~  
32 ~~transportation, cleaning, and decontamination of the watercraft.~~

33       ~~(e) Any person stopped at a check station who possesses a~~  
34 ~~recreational or commercial watercraft that is contaminated with aquatic~~  
35 ~~invasive species, is exempt from the criminal penalties found in RCW~~  
36 ~~77.15.253 and 77.15.290, and forfeiture under RCW 77.15.070, if that~~  
37 ~~person complies with all department directives for the proper~~  
38 ~~decontamination of the watercraft.~~

1       ~~(4) — The — department — shall — submit — a — biennial — report — to — the~~  
2 ~~appropriate — legislative — committees — describing — the — actions — taken — to~~  
3 ~~implement this section along with suggestions on how to better fulfill~~  
4 ~~the intent of chapter 464, Laws of 2005.)~~ All receipts directed to the  
5 account from RCW 82.49.030 and 88.02.640, as well as legislative  
6 appropriations, gifts, donations, fees, and penalties received by the  
7 department for aquatic invasive species management, must be deposited  
8 into the account.

9       (2) Expenditures from the account may only be used to implement the  
10 provisions of chapter 77.-- RCW (the new chapter created in section 122  
11 of this act).

12       (3) Moneys in the account may be spent only after appropriation.

13       NEW SECTION. Sec. 311. The sum of thirty thousand dollars, or as  
14 much thereof as may be necessary, is appropriated for the biennium  
15 ending June 30, 2015, from the aquatic invasive species prevention  
16 account to the department of fish and wildlife for a contract, that  
17 includes performance measures and requires reporting on outcomes, with  
18 the Pacific Northwest economic region nonprofit organization to support  
19 regional coordination of invasive species prevention activities in the  
20 Pacific Northwest.

21       NEW SECTION. Sec. 312. The sum of twenty thousand dollars, or as  
22 much thereof as may be necessary, is appropriated for the biennium  
23 ending June 30, 2015, from the aquatic invasive species enforcement  
24 account to the department of fish and wildlife for a contract, that  
25 includes performance measures and requires reporting on outcomes, with  
26 the Pacific Northwest economic region nonprofit organization to support  
27 regional coordination of invasive species prevention activities in the  
28 Pacific Northwest.

29       NEW SECTION. Sec. 313. The following acts or parts of acts are  
30 each repealed:

31       (1) RCW 77.12.875 (Prohibited aquatic animal species--Infested  
32 state waters) and 2002 c 281 s 5;

33       (2) RCW 77.12.878 (Infested waters--Rapid response plan) and 2002  
34 c 281 s 6;

1           (3) RCW 77.12.882 (Aquatic invasive species--Inspection of  
2 recreational and commercial watercraft--Rules--Signage) and 2007 c 350  
3 s 4;  
4           (4) RCW 77.15.253 (Unlawful use of prohibited aquatic animal  
5 species--Penalty) and 2007 c 350 s 5 & 2002 c 281 s 4;  
6           (5) RCW 77.15.293 (Unlawfully avoiding aquatic invasive species  
7 check stations--Penalty) and 2007 c 350 s 7;  
8           (6) RCW 77.60.110 (Zebra mussels and European green crabs--Draft  
9 rules--Prevention of introduction and dispersal) and 1998 c 153 s 2;  
10 and  
11           (7) RCW 77.60.120 (Infested waters--List published) and 1998 c 153  
12 s 3.

--- END ---